

19<sup>th</sup>  
A  
TREATISE  
COLLECTED OUT OF  
the Statutes of this Kingdom,  
and according to common ex-  
perience of the Lawes.

Concerning.

THE OFFICE  
AND AUTHORITIES  
OF CORONERS AND  
SHERIFFES.

Together with

An easie and plaine Method for the  
*keeping of a Court Leet, Court Baron,  
and Hundred Court, &c.*

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By JOHN WILKINSON,  
*of Bernards Inne, Gent.*

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Anno Domini. 1641.

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BY JOHN WILKINSON  
of Newcastle upon Tyne Gent.

Anno Domini. 1641.



TO  
THE RIGHT  
HONOURABLE,

And my very good Lord, Sir

Henry Mountague Knight,

Lord cheife Justice of the

Kings Majesties Bench.

**R**Ight Honourable, where  
as many Wise and  
Learned men have  
written of things that  
they have gathered by  
reading, I doe publish  
what I have practised, warranted by  
authorities in Law. And because the  
end of writing booke is to benefit  
others, I know it will be acceptable to  
all that are not deeply studied to make  
use of these things which I have colle-  
cted: neither can it offend the best  
learned, to see that plainly set out, as  
it were by demonstration, which they  
by learning already understand.

The Office of a Coroner, the Office  
of a Sheriffe, and the Office of

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a Steward, and the manner of keeping of Courts in Hundreds, Leets, and Baronies, are daily exercised by many, yet few know the true forms that are to be kept in keeping of these Courts: For their sakes therefore I have undertaken this paines, and dare be bold to say, that they shall not much erre, if they follow what is here in this Booke set downe, for direction for them therein: To your good Lordship, whose place is high in Iustice, and whose mind studies the Common-wealths good, I have presumed to dedicate this work, most humbly beseeching your Honours favourable acceptance, and patronage thereof, ever wishing unto your honour, a perpetuall continuance of all honour and happinesse in this life, and heavenly felicity in the life to come: And ever fearing over bold to trouble your good Lordship, doe must humbly take leave.

Your Honours p<sup>er</sup>petuall service  
in all duty ever  
to command.  
JOHN WILKINSON



**A**  
**COMPENDIOUS**  
**TREATISE,**  
**WHEREIN**  
**Is set forth the Office**  
**and Authority of a**  
**CORONER.**

**The first Booke.**



**A** Coroner is an ancient Officer of this Realme, and ordained to bee a principall preserver of Peace, and to carry the Records of the Pleas of the Crowne, and of his own, and of abjuracions, outlawries, appeals, &c. And this definition of him is given by Britton an ancient writer, fol. 3. with

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the which agreeth the Book de iur' Coron' in  
 Fitz. Nat. Br. pag. 186. where he amplifieth  
 his power more largely, viz. That he should  
 carry Records of his own view, Aburrations,  
 Outlawries, Appeals, accusations of  
 theebes done before him, and of all nonsuits in  
 appeals, and of all other things done in the  
 Countie that appertain to the coroners office  
 and also in the Court of freemen, which have  
 franchises of infangthefe, &c. And in the  
 presence of the Coroner shall all appeals of  
 Robbery and Larceny be framed. These  
 things do declare the office of a Coroner to be  
 an office of trust, and of great authority: and  
 for that cause it is requisite that it be commit-  
 ted to a wise man, and of good behaviour, as  
 it was well perceived by our ancient Fathers  
 and Predecessors, and chiefly by those that  
 made the Statute of Westminster the 1. ca. 12.  
 which rehearseth, For that that people of  
 small condition, and not of the wisest, be now  
 lately chosen to the office of Coroners, as  
 much meetter it were, that wise men, loyall,  
 sage, should intermeddle with that office. It  
 is provided, that through all Counties  
 chosen sufficient men to be Coroners, of the  
 most loyall and most sagest Knights, who  
 best know, can & will attend to that office,  
 and that they lawfully keep and preserve the  
 peace of the Countie: And that the Sher-  
 IFFES have counter-rolls of the Coroners  
 roll of Appeals as of Enquests, concerning  
 Attachments or other matters appertaining  
 to that office. And that no Coroner shall  
 demand any thing, or take any thing to execute  
 his office, upon paine of a great forfeiture  
 to the King.

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The Statute committeth this Office to Knights, and not to any others, and therefore it was held to be a main cause to remove and discharge a Coroner from his office, if he be not a Knight: but Master Fitzherbert in his Natura brevium in his word de Coronator eligend' would not allow the same for a sufficient cause at this day alleging, That those words were put into the Statute, to the intent that a Coroner should have sufficient within the County to answer for all that he doth or ought to do by his said office.

Also this Statute requireth such a Coroner as can, will, & may attend to execute the said office. And therefore if such a Coroner be elected and chosen as cannot, will not, nor may not attend the execution of the same office, he is to be removed and discharged by the Kings writ from the same Office: and the cause of his not attending, or insufficiently must be rehearsed in the writ. viz. that he is occupied in other of the Kings affairs, or that he is not in health, or aged, or unfit for the same office, or that he is insufficient in lands, or that he hath the pasture, or is a black-bore in the most part of the County, or that he is nominated Sheriff, or Ranger of a Forest: but if any of these causes be untrue, and the Coroner thereby withdrawn from his office by a false suggestion, then he may if he will go to the Chancery, & there by petition pray a commission to inquire of this false suggestion, the which if it be found, and returned to the Chancery, then the King may grant a supersedeas to the Sheriff of that County that he remove the said Coroner

from his office; & if he be removed before the Superseas come, then that he permit the Coroner removed, to execute his office as he did before his removal, as it appeareth in master Fitz. Nat. Bre. in and by the wordes de Coron. eligendo. & de electione Veridarianorum.

But it shall be far more commendable for him that is chosen a Coroner, that if he perceive any of the said impediments to be in himselfe, that he do then purchase a writ, to discharge himselfe from the said office, which writ he shall find in the Register, fol. 177.

This statute also toucheth that no Coroner shall take any thing for doing of his office, &c. for this purpose, that he may wholly be at liberty to do and execute iustice and right, and therefore within twelue yeares after, there was a statute made to punish their corruption and extortion, which is called Statutum Exoniz. made the fourteenth year of E. 1. which you shall find in the book called secunda pars veterum Statutorum, by the which also it appeareth, that a Coroner ought to take nothing for execution of his office, which I find not altered by any statute untill 3. H. 7. ca. 1. which giveth him in murder 13. s. 4. d. of the goods of the murderer, if he have any goods; but if he have none, then the Coroner is to have his fee by amercing of the village for suffering the murderer to escape, and if any particular person shall be found guilty of such escape, the Coroner hath power to enquire thereof by the same statute.

But I find, viz. Cor. in Fitz fo 321. & 371. that a Coroner hath a fee belonging to his office, viz. of every hille one penny, when they appear

appeare before the Justices of Eyre.

But that fee is not repugnant to the Stat. of West. 1. for he receiveth not the same to doe his office, but as a right due to him though that he executeth no part of his office &c.

Also the Stat. of 1. H. 8. ca. 7. prohibieth a Coroner, to take any thing for doing of his office, upon paines of xl. s. for every default.

And also upon like penalty, where he giveth not his attendance when he is sent for & required to make Inquisition upon the death of any dead corpse, &c.

And since the Stat. of W. 1. since the first it was ordained & enacted by a Statute made An. 14. Ed. 3. c. 7. that no Coroner be chosen if he have not lands sufficient in the same county wherewith he may answer al manner of people. This Stat. is in the negative, and therefore the not satisfying of the same Statute, is good cause to remove him from his office, by the writ before remembered, the which writ declareth how he shal be said to be sufficient, and in what sort the same shal be examined, viz. if he have lands in the county, upon the which he may dwell agreeable to his degree, for the exercising of the same office.

Also after by another Statute made An. 28. Ed. 3. ca. 6. it was enacted That all Coroners of every County should be chosen in the open countries by the freeholders of the said county, of the most convenientest and most loyalst people that may be found in the said Counties, to execute the said Office: alwaies saving to the King and to other Lordstheir Seignories and franchises.

And note that when a Coroner is chosen, he



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he shall remain Officer, till such time as the King hath otherwise determined his pleasure; or otherwise, that the King decease, and is then changeable every year, as the Sheriff and eschevours use, &c. vid. Hil. 4. B. 4. fol. 44.

And when he is elected, the Sheriff of the same county, or his under-sheriff, must give him his oath thus as followeth:

His Oath  
to the Su-  
premacie.

**I** J. B. doe utterly testify and declare in my conscience, That the Kings highnesse is the onely supream Governour of this realme, and of all other his highnesse Dominions and countries, as well in all Spirituall things or causes, as Temporal, and that no forreigne Prince, Person, Prelate, State, or Potentate hath, or ought to have any jurisdiction, power, superiority, preeminence, or authority Ecclesiasticall or Spiritual within this Realme: And therfore I doe utterly renounce, and forsake all forreigne iurisdiction, powers, superiorities, and authorities, and doe promise that I shall from henceforth beare faithfully and true allegiance to his highnesse, his heires and lawfull Successors, and to my power shall assist and defend all iurisdiction, privileges, preeminences, and authorities granted or belonging to the Kings highnesse, his heires and Successors, or united and annexed to the Imperiall Crowne of this Realme. So God me helpe and the contents of this Book. 1 El. c. 1.

His Oath  
for the due  
execution  
of his Of-  
fice.

**Y**ou shall swere that you well and truly shall serve our Sovereigne Lord the Kings Highnesse and his liege people, in the office



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office of a Coroner, and as one of his Majesties Coroners of this County of Southampton, and therein you shall diligently and truly do, and accomplish all and every thing & things appertaining to your office, after the best of your cunning, wit, & power, both for the Kings profit, and the good of the inhabitants within the said county, taking such fees as you ought to take by the lawes and Statutes of this Realme, and not otherwise. So help you God, and the holy contents of this booke. And so let him kiss the book to affirm his Oath.

First, when he hath notice to take the view of the body of any person slain, either with his will or against his will, he must then make his precept to the Constables and Tithingmen of the hundred, where the party is or is dead, to summon a Jury to appear before him at a day and a place certaine, to enquire thereof upon a paine of xl. s. before remembered. And the forme of his Precept is thus:

viz

By vertue of mine office these are in the R. South.  
 Majesties name to will and require you immediately upon the receipt hereof to summon and warne 24. able and sufficient men to be and appeare before me at B. the 7. day of February next comming after the date hereof, or to morrow being Tuesday, the 7. of February at the towne hall there, if there be any or at any other place certaine, then and there to doe and execute such things, as on his Majesties behalfs shall be given them in charge, whereof shall you see, as you and every of you shall answer the contrary at your perils. Dated under

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under my hand and seale, this ninth of Fe-  
bryary. An. Dom. 1638.

Per me Io. W. unum Coron<sup>r</sup> dom.  
Reg<sup>r</sup>. com. prad<sup>r</sup>.

To the Constables and Tythingmen of the  
Hundred of W. in this behalfe, jointly and  
severally, greeting.

**A**nd when he commeth to the place ap-  
pointed, he must then call for the Con-  
stable, and Tythingmen, to whom he did di-  
rect his warrant for their returne, and when  
he hath that, then he must cause one of them,  
or some other of them, to make three procla-  
mations or oyes, and call the Jury thus :  
You good men which be returned to appeare  
here this present time, to enquire for our So-  
beraigne Lord the King, answer to your  
names, as you shall be called every man at  
the first call, upon paine and perill that may  
fall thereon. This done, when you have a  
full Jury of 14. or 15. call the foreman to the  
Booke, and sweare him thus ; You shall du-  
ly inquire, and true presentment make of such  
things as shall be given you in charge, accor-  
ding to your evidence, so help you God, and  
the contents of that Book.

Then call the rest of the Jury, and sweare  
them by foure at once, and swear them thus :

**A**ll such Oath as J. W. your foreman  
hath taken before you on his part, you  
and every one of you shall well and truly ob-  
serve

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serbe and keepe on your parts ; so God you helpe, and the contents of that booke.

And when they are all thus sworne, call them again, and let the cryer count them after you, and then bid them stand together and heare their charge.

Then begin your charge thus :

**S**irs, you that be sworne, you shall under-stand what the cause of our meeting is here now at this present. It is to enquire and present or find how **J. B.** came to his death: for when any man, woman, or child do come to their death by any casualty or untimely meanes, then the King hath appointed Coroners in every County to enquire thereof by the oathes of men : And therefore by vertue of mine Office, I have caused you to be called hither, and have impannelled and sworne you to that purpose, to the end the King and his immediate officers may be truly certified how and by what means he lost hath his subject : therefore now your charge, is to inquire how and by what means the sayd **J. B.** came to his death that a true record may be made thereof : If he was slain in fight, then you must enquire by whom, when, and where, & in what manner, and with what weapon, as near as you can, & what goods, cattels, lands or tenements the offender had, at the time of the fact committed, or at any time sitents, & whether he be fled for the same or no : for I must tell you that Coroners have authority to enquire by their office of all manner of homicides and slaughters of men, especially above all other things, and that by the oathes

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of men super visum corporis, and not other-  
wise: And these homicides and slaughters of  
men are of diuers kinds or degrees, but they  
are all apprehended within two kinds, viz.  
spiritual homicide; and corporal homicide:  
the first is the slaughter and destruction of  
soule, which is Gods part, if he dye in the  
faith of Christ: and the other is the slaughter  
of the body, which is the Kings part, that must  
take his end by the due execution of Justice  
for the offence committed against the Law:  
and a corporal homicide is two fold, that is  
to say, Lingua, & Facto. Lingua is twicfold,  
viz. in commanding, in giuing of counsell,  
and in defending: Facto is 4. fold, viz. in  
execution of Justice, homicide willingly done,  
homicide done by chance, and homicide done  
by necessity: homicide done by Justice, is  
when a man is lawfully condemned and execu-  
ted for his offence: homicide willingly done,  
is either murder, or at the least mans slaugh-  
ter: homicide done by chance, is by some ac-  
cidental means, as where one is killed by ca-  
sting of a stone or murther, or shooting of an  
arrow, or such like, whilseth one against the  
will or consent of him that causeth it: homicide  
an homicide of necessity is when a man can-  
not escape, but he must either kill or be killed,  
and that will be taken to be in his own de-  
fence: then there is homicide inevitable for  
the advancement of Justice: And that is  
where a Sheriff or other Officer by warrant  
purches a Prison which he is not sure of, and  
himself, but offereth violence, and so is kil-  
led in apprehending a: where a man killeth  
that, which would rob him: In these cases

he which committeth such homicide shall be  
acquitted, and neither lose life, lands, nor  
goods for the same. There are other homici-  
des which are no felony, and that is where  
a man either kills himselfe, or any other  
person when he is mad, or where a child is  
killed in the mothers belly not in rerum natura,  
and that for three causes, viz. one because it  
had not the name of baptisme, and the other  
because it cannot be certainly known, whe-  
ther the mother killed it by some other means  
or no; but if an Infant of 9. years old kill a  
man, woman, or child, if such Infant then  
know good from evil, it is felony in such an  
Infant, and that will be well knowne, and  
perceived by the answer of such an Infant to  
such questions as may be demanded of him: or  
here will it be taken upon him to be a Ship-  
wright or a Surgeon, and not allowed to use  
and exercise such faculty, if he take upon him  
a cure, killed byeth under his hands by his  
ignorance, it is held to be felony in such Ship-  
wright or Surgeon. Also if a man keep a  
dangerous Beast as a Bull, a Beare, a Dog,  
or such like, he knowing them to be danger-  
ous, and yet both not keep them tied, but  
suffering them with such heads to goe at large,  
and cause a deeper, if such a beast kill a man,  
woman, or child it is held to be felony in the  
owner of such Beast. Also there is another  
kind of homicide, which is a kind of murder  
in the law de se, and that is where one hangs  
himselfe by his owne hand for lack of  
patience. For this is murder and felony for  
the law willfully and maliciously to kill ano-  
ther: and therefore it is murder and felony of  
a man

a man to kill or browne himselfe willingly and wilfully, yet they are not both in one case and predicament; for the first doth forfeit by that fact both his lands, and his goods, & the other forfeits both goods & charters, and no lands. There is also another kind of homicide, not done by man, but by some casuall meanes, and that is called homicide by misadventure or misfortune by a horse, or a Cart, or a bough of a tree, or such like: and in this case, omne quod mover cum eo quod occidit hominem deodand' est domino Regi, and it is forfeit to the Kings Dinner, unless the King or his progenitors have formerly granted the same away to some Lord of a liberty, as they commonly do, then if it happen to be within such liberty, it belongs to the Lord of the Liberty. But if any of these homicides fall out to be wilfull murder, which is a most bloody and a crying sinne, and cannot be too severely punished, & therefore by the Law, the offender here is ought to lose both life, lands, and goods, an eye for an eye, and a tooth for a tooth. And if manslaughter, if the offender can reach well, then he may in favour of life, by the Kings mercy, have the benefit of his Clergy, and so save his life, but he shall lose and forfeit both his lands and goods, & yet the Law is then not therein satisfied: The goods shall be found, appraised, and halved, & such other doings, and left in the Countie or Villages, where such offender dwelleth, by them taken to be kept, untill the offender be acquitted or convicted by our courts of law: in the mean time the offender must be maintained with

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his goods, so as he may be kept alive to answer his fact, and what shall remaine when he is convicted, those to whom such goods doe belong by the Law must have them, and not before, and thereof discharge the towneship or Village, which had the custody of such goods. And as for the offenders free land. if he have any, immediately after conviction, the King must have annum, diem, & vastum therein, and after the Lord of whom it is holden shall have it as an escheat. And thus having discoursed at large of all these things incident to my office for your instruction, I will make an end and trouble you no more at this time: and so you shall hear your evidence,

Then if the evidence be ready, they must be called and sworn thus:

**T**he evidence that you shall give to this enquest, shall be the truth, the whole truth, and nothing but the truth, so help you God, and the contents of this book.

And if the evidence be not ready, then you shall appoint the Jury a day and a place to come to you to receive their evidence, & least any of them should faile to come to the place at the time appointed, you may bind them by recognisance in x. li. or xli. a peece, and in the meane time you may send your warrant for the witnesses to come before you to be examined, and to deliver their knowledge concerning the matter in question, and to take their examinations in writing under their hands, and if it be about the trial of any mans life, then you must bind over all



all the witnesses in xx.l. a peece at the least, to appear at the next Assise then following, to deliver their knowledge therein viva voce, if they shall be thereunto required.

The form of which Recognisance is thus:

South.

Testio die Oct. an. Reg. Ia. &c. xv. 1617.  
 Jacobus S. de B. in com. præd. cognovit se  
 debere domino Regi xx.l.  
 Sub conditione.

That if the said J. S. do personally appear before the Kings Majesties Justices of Assise and Gaol deliver, at the next Assise to be holden at the Castle of M. for the said County, and then and there deliver and set forth his knowledge touching the death of J. B. and do not depart thence without licence of the said Court: That then this present Recognisance to be void and of none effect, or else the same to stand, remaine, and continue in force, strength and vertue.

Capr. et cogn. 3. die O. ann. 1617. præd.  
 coram me I. W. gen. una coroh. dom.  
 regis com. præd. iet.

I. W.

Of wilfull  
 murder.

This offence is the highest and greatest offence that a Coroner is to meddle withall in his office, & it is defined by Bracton to be *transcursum et notorum hominum occulta occisio* manū hominum nequiter perpetrata, quā nullo scientie aut vidente sit facta, prout solus interfectorum et suorum coadjutores, adeo ut nullus statim insequeatur clamor popularis &c. Bracton may see how that Englechetry, id est, Angli-



glicas est, &c. was presented in ancient time  
unill the fourteenth yeare of E. 3. At which  
time by a stat. made 14. E. 3. c. 4. the pre=  
sentment of Englechery was wholly abroga=  
ted and nulled, the letter of which stat. is  
thus, viz.

Item, **For** that there are many mischiefs  
happened in many Countyes in England,  
which knew not how to present Englechery,  
**for** which cause the commons of the countie  
sometimes were before the Justices in Eyre  
amerced to the great grievance of the people,  
It is therefore agreed that at no time hereaf=  
ter any Justice of any Eyre shal put any ar=  
ticle or opposition presenting Englechery to  
the commons of the countie, nor against any  
of them: But that **for** ever Englechery and  
the presentment thereof to be wholly omit=  
ted and made void; so that none **for** this cause  
be from henceforth impeached: By the  
wordes of this Statute it appeareth that the  
presentment of Englechery, was so divers by  
the divers customes of several countie, that  
the countie knew not well how to satisfie  
the Justices in the presenting thereof, but  
**for** the undue presenting thereof, they were  
often amerced and sore grieved: And yet  
Bracton saith, Quoniam in diversis comitati=  
bus diverse presentatur Englicheria inquirend,  
est in omni itinere ab initio quæ sit consuetudo  
eius presentandi, Also he putteth there in  
his Book, many things which excuse the  
County by the Common Law from that a=  
mercement or payment of xlii. marks, **for**  
he saith in this manner, Epenatur quando=  
que, &c. And that that also was the common

**L**aw appeareth in Briton fol. 15. which agreeth throughout with that which Bracton hath written, the which common Law is changed as I have said before, by the said Statute made in the 14. yeare of E. 3. wherefore a man at this day may define murder in other manner then Bracton and Briton did, viz. It is murder, when any man of malice premeditated killeth another feloniously, having no regard whether he kill him openly or secretly, or whether he be an Englishman or not, so that he live in the Realme under the Kings protection, and homicide that is done in such manner, is called murder at this day: for the name of murder, was not at any time changed, but the Law retained the same continually, for the heinousnesse of the crime, to put a difference betweene homicide by chance-medley and murder: And therefore if a man be indicted of murder, at this day, a pardon of all felonies will not helpe him, and that is by the Statute of 13. R. 2. c. 1. the letter whereof you may see hereafter: And also the Statute of 1. Edw. 6. cap. 12. which enueth, videlicet, **P**rovided also, and be it enacted by the authority aforesaid, that all wilfull killing by poisoning of any person or persons that at any time hereafter shall be done, perpetrated or committed, shall be adjudged, taken, and deemed wilfull murder of malice, premeditated, and that the offenders therein, their aiders, abettors, procurers, and counsellors shall suffer death, and forfeit in every behalfe, as in other cases of wilfull murder of malice premeditated.

**M**an-slaughter is where one killeth another

ther habing no malice pzeptionsed so to do, yet it is felony, and he shall lose his lands and goods, & his life too if hee cannot read well, as is said before in the charge: The which thing if a mad man do, it is no felony in him, nor he shall not be arraigned for it, when he is of good memory, as it appeareth in Fitzh. fol. 33. & 21. Hen. 7. taken in the Eyres of Northampton in 3 Ed. 3. It appeareth there, that he should purchase his pardon of course: And with that agreeeth 26. li. ass. And the same law which serveth for a man lunatick, serveth for a man that is deafe, & dumb, as ye may find in the same plea. And if one of the age of 12. years or more, kill another, that is felony: the same Law is if he be but nine yeares old at the time of the killing; so that it may be perceived that he understan-  
deth good from evil, as by his excuse, or by any act done since the killing, videlicet, in hi-  
ding the dead corpes in any secret place so the intent it should not be found and known,  
Quia in tali casu malitia supplebit aetatem ut patet 3. H. 7. & tit. coron. § 1. And there they respited execution of him so the intent they might procure his pardon: And Bracton said in those cases of Lunatics, and of the infant. Qd alterum consilii inopia tueretur, Alterum facti imbecillitas excusat.

And if a Surgeon or a Physitian allowed have one incure, which dyeth presently af-  
ter, or within a short time after, that is no felony, for that he did nothing feloniously: but if he killed him with Physick or Sur-  
gerie, it was done against his will, quod vide titulo Coronæ 163. & Britton fol. 14. c. Contr.

Also if a man have a Bull, Bear, or a Dog which is accustomed to do hurt, and his master or owner well knowing the same, yet do not tye him up but suffer him to go at large, and being so at large, he killeth a man, this is held by Fitzherbert, 311. to be felony in the Owner of the beast, by reason of the sufferance; for thereby the owner seemeth to have a will to kill: And note that in ancient time, the will was so materiall, that the same was taken for the fact, ut patet titulo 1. E. 3. where one compassing the death of another, woundeth him so greivously that he leaveth him for dead, and afterward dyeth, and the man wounded rebuyeth: And yet notwithstanding, it was then adjudged to be felony, in so much as the will appeareth to have killed him, voluntas reputabitur pro facto. And with the same agreeth Bracton, who saith, in maleficiis spectatur voluntas, et non exitus, et nihil interest utrum quis occidat an causam mortis præbeat. But this law is not now in force; for he must be dead indeed before it be adjudged felony. And if a man hurt another with an intent to beate him, but not to kill him, yet notwithstanding, if he dye of such beating, it is felony in him that so did beate him, wherefore at this day a man may convert the text to Bractons opinion, and say, Quod exitus in maleficiis spectat, et non voluntas duntaxat, as in the case next before ec. Vide titulo memorato, where for the malicious words of a woman 2. men fought, and the one killed the other, the woman in this case was arraigned of the death of him that was slain: The like case if three men go together to make

make a disgrace, and one of these three doeth  
kill a man, the other two in this case are taken  
to be principall felons, and yet they did it not  
of any evil will, but onely came in one com-  
pany together, quod vide titulo Fitz. 350. So  
that many cases may be found ubi exitus spe-  
ciat, & non voluntas duntaxat, as before is  
said, wherfore to conclude, we may say that  
the will unless the fact ensueth the same, ma-  
keth no offence at this day, but in treason gi-  
ven by Statute, &c.

It is a generall opinion, and commonly a-  
greed upon, that if a man have iudgment to  
be hanged, and commandment given to the  
Sheriffe to see execution done according to  
the iudgement, if the Sheriffe after of his  
owne authority do behead the prisoner which  
was appointed to be hanged, then this is Fe-  
lony in the Sheriffe, because the order of the  
Iudgement is not observed, in putting the  
prisoner to death: The same law is, if one  
that is not the Sheriffe will kill a prisoner as  
he is going to the gallows to be hanged, of  
his own head and authority, quod vide 31. H. 6.  
And for this felony the wife of the prisoner  
may have an appeal against him that killed  
her husband: But Scrope is of opinion, that  
it shall be otherwise, if he that is killed be at-  
tainted by outlawry, as it appeareth 2. E. 3.  
where he that is indicted altogether, that he  
for whose death he is indicted, was and is  
outlawed of felony, Scrope: It may be  
that that outlawry is reversed, or that he had  
his charter of pardon, wherfore thereof he  
must make search, and send into the chancery  
to understand there if he had a charter of par-  
don

son, and in the meane time he shall be liew  
hays till a certaine day, that the truth be  
known: and he said further, that if he found  
that the outlawry was not reversed, nor that  
the prisoner had not any charter of pardon,  
that then the def. shall not answer any fur-  
ther, but be discharged of the indictment:  
Also it seemeth to be lawfull for any to kill a  
man attainted in a Præmunire, because the Sta-  
tute of 25. Ed. 3. cap. 21. de productionibus wit-  
neth that a man may do against them, as a-  
gainst the Kings enemies without any im-  
peachment, &c.

Of homicide done  
by necessity  
inevitable  
justifiable.

A Sheriffe Balliffe, or any other Officer  
that hath warrant to arrest any man that is  
indicted for felony, may iustifie the killing of  
him, if he will not suffer himselfe to be ar-  
rested, but in such sort standeth in his defence,  
that the Officer cannot arrest him without  
killing of him, in this case the Officer shall be  
discharged without suing for of his pardon  
of course, ut patet 21. libr. Ass. & 22. Edw. 3.  
where Thorpe saith, that any man may take  
and arrest a Theefe, & if hee will not yeeld,  
but stand in defence of himselfe, or else flye, in  
such case he may kill him without blame, ergo  
he that hath no warrant, as well as he that  
hath a warrant, by his authoritie may kill &  
iustifie. And there be recited that where a  
Gaoler came to his Gaole with a lanthorn in  
his hand, to see his prisoners, which had  
broken their prons, and standing all ready to  
have killed him, they beate him, & wounded  
him very sore, but killed him not: and he ha-  
ving a hatchet in his hand, therewith he kil-  
led 3 of the Prisoners, and being called in  
question

question for it, was discharged thereof, for it was adjudged by all the Councell, that the Gaoler had done well, &c. And therefore note ye, as a man may iustifie the killing of a man before an arrest, then so he may iustifie the same after an arrest, so that the same doe arise upon an inevitable necessity, as before is said. And therefore one is arrested of Felony, and as he is carrying to the Gaole, he may both debate and flyeth, and the other in such sort pursueth him, that he cannot take him againe without killing of him, this manner of killing is iustificable. qd vide 3. E. 3. And the case was there, That a man did flye to a Church for Felony, and after in the night he went from thence, and the Village that did watch him in the Church did pursue him & killed him, for that he would not yeeld himself, and it was allowed as well done. tamen eodem titulo 3. Ed. 3. Lowth. doth doubt of this killing, in that it may be that he that was arrested was not guilty of the felony, although he was indicted thereof: and nothing in the case where one is pursued upon a robbery done, and the theefe killed. But by the same aforesaid it appeareth that such killing is not felony, nor that any thing shall be forfeit for the same: nor that any pardon is needfull, sed vide ibid. fol. 344. that in that case it is finable, and a fine of xl.s. was payd for the same, sed quer. whether the same was for the killing, or for the escape. And note, that if a man killeth another, by reason of any matter inevitable ut supra to bee found before him by reason of any jurisdiction that he hath to enquire of felonies, he shall not be discharged



ged upon such indictment found, untill such time as he be arraigned upon the same, and the matter also found by verdict, ut patet ex hoc titulo, for that he himselfe was Judge thereof. Oherwise it is if the finding be the same be before other Commissioners, vide the Statute de malefactoribus in Parcibus, made the 21. yeare of Ed. 1. which giveth power to foresters, Parkers, and Warrenmen to kill the offenders, if they will not be satisfied, &c.

Homicide in a defending of a mans house and his goods against thieves, lawfull & justifiable for the urgent necessity thereof.

As for example: Many do come to burne my house, my self being within the same, and they compass about the house, but they burne it not, and I shoot out of the same house and kill one of them this is not felony, ut patet ex lib. Ass. The same law is if they come to my house and rob me, and my boy or any man that is with me in my house killeth one of them, vide in Fitzh. titulo Coron. 3. E. 3. per Littleton ibidem pag. 505. where it was presented that a man had killed another in his own house defending himselfe, and it was demanded of those that made the presentment if that was so slaine did come to robbe him, in that case one man may kill another, though that it be not in defence of himselfe, &c. In all such cases a man shall goe quit without any forfeiture, or without expecting the Kings grace, in that my house is unto me my Castle, out of which the Law will constrain me to flye, &c. The same Law is if one come unto me, when I am out of my house, and will robbe me, wherefore I kill him: for in 26. lib. Ass. the case was that a thiefe assailed a man in his ship, and he pur-



sued him so hardly, that the man killed him,  
 and generally it was affirmed that the man  
 should be discharged and quit without par-  
 don. And note well this latter book; for  
 that maketh expresse mention, that he shall  
 be quit without pardon; but the other books  
 speak nothing neither of pardon, nor yet of  
 the forfeiture: wherefore it may be double  
 some, whether he shall forfeit his goods,  
 and whether it shall be needfull to have a  
 pardon or not, and therefore to take away all  
 doubts, a statute was made An. 24. H. 8 the  
 latter whereof is this: For as much as it  
 hath been in question and ambiguity, that if  
 any chull disposed person or persons, do at-  
 tempt feloniously to rob or murder, and so bre-  
 ke the Statute at large, that it is lawfull to kill  
 him.

Note, that the necessity ought to be so  
 great, that it ought to be esteemed not a-  
 voidable, or otherwise he shall not be excused;  
 as in this case ye have not to doe with, as  
 in the case before, but with a lust man. And  
 whether the person that is so killed, or the  
 person that doth kill, doth begin the fray it is  
 not materiall, but the whole matter consisteth  
 in the necessity inevitable without which the  
 killing by any means is not excusable: where-  
 fore to make a definition of homicide done in a  
 mans own defence, we must say that proper-  
 ly it is when A. doth make a fray upon B.  
 and hurteth him, and B. fleeth as much as  
 he can for safegaudd of his life, so that he is  
 come to a strait, beyond the which he cannot  
 flye, and B. continueth, whereby B. hur-  
 teth and killeth him: this is called homicide

How neces-  
 sity shall be  
 interpreted  
 in homicide  
 in defence  
 of ones self.

in a mans own defence. For if B. might have aboyded the same and did not, but when B. had hurt him, he then had hurt A. again even to death, then was it manslaughter, and so felony in B. ut patet in Fitzh. 226. When A. hurteth B. B. hurteth him again but not deadly, and afterward B. flyeth, supra, and A. pursueth him till that he cometh to a stratte, ut supra, and then B. doth kill him, that is not felony, but in his own defence; and so you may note, that although B. gave to A. divers wounds, that is no material, because he flyeth from him as much as he can before he gives to A. the deadly wound. And that ye may see in les Eyres North. &c. 3. Ed. 3. And Bracton hath a case for the confirmation of this Law, Iure even ut quod quis ob tutelam sui corporis fecerit, re id fecisse existimatur. And note, that appeareth before in 43. lib. Ass. before noted, and it is not a sufficient verdict to say, that the prisoner killed another in his own defence, but they ought to shew the matter, especially in what manner it was done: and although that it be specially found upon the indictment, yet notwithstanding he shall not thereby be discharged until he have purchased a charter of pardon for the same, the taking is a confession by amplification of the indictment, or else otherwise, wholly to estrange himself from the fact, and to plead not guilty, and so to be found: and this is so done, to the intent to induce the forfeiture of his goods being forfeit by the same offence, ut patet 4. H. 7. and where the statute of Gloucest. cap. 9. saith, that he ought to put himself upon an Enquest

Enquest de bono et malo, that it is to be under-  
stood when he is indicted of murder, or ho-  
micide, and not where in the indictment the  
speciall matter is found: for to such an in-  
dictment of murder or homicide, it ought to  
be pleaded not guilty: for to plead the special  
matter, viz. that he killed him in his own de-  
fence, it is no plea, in that it should be as a  
justification: whereas such kind of homicide  
is not in any manner justifiable, wherefore he  
ought to plead not guilty, and then that special  
matter found by verdict shall give him ad-  
vantage, &c. Contrariwise it is in trespasss,  
for there the party shall not take advantage  
of a justification found by verdict, if it be not  
pleaded by the party. And so note, that he  
shall not be discharged of this special matter,  
till such time as hee hath purchased his par-  
don, or else be acquitted thereof by verdict:  
and then his discharge shall be in this man-  
ner, viz. if he require to purchase his pardon,  
he shall first be letten to mainprise, and then  
he shall sue forth his Writ of Certiorari di-  
rected to the Judges of Assise, before whom  
the indictment lyeth, to certifie the Record to  
the chancelor of England, who will make him  
a Charter of pardon in such a case of course,  
without speaking to the King for the same.  
But yet the Statute of Gloucest saith, that  
the Justices ought to make the King privy of  
the same, and that the King therein should  
give him the grace if it so pleased him: but  
yet making the King privy thereof is to be  
understood, the Certificate of the same made to  
him in his Chancery, is sufficient, for that in  
the law he is alwaies said to be there present,  
&c. And

et. And for these matters vide tit. 44. E. 3. 1.  
 & 3. E. 3. where it is said that when a man  
 acquitted before the Judges of Assise, or the  
 death of a man in his own defence, he shall  
 have a writ from the cheefe Justice, to wit  
 which shall be contained the whole Record  
 of his acquittall to the Chancellor, who shall  
 make his Charter of pardon without speak-  
 ing to the King, &c. And note ye before the  
 in the Eyes of Northampton the Jury do  
 find that he fled for the Felony, for which  
 cause he shall forfeit his goods, quasi dicere  
 that he should not forfeit his goods unless  
 such a flying away had been found: but the  
 Law is not so, as it appeareth, 44. & 15. E. 3. 1.  
 1. H. 7. before noted, wherefore wee are to  
 thinke that the inquiry of a flying was sur-  
 plusage and void, &c. And consider well the  
 words of the Statute of Gloucester which be  
 these, It is ordered and agreed that hereafter  
 no Writ shall issue out of the Chancery to in-  
 quire for the death of a man, if a man hath  
 killed another by misadventure, or in his  
 own defence, or in any other manner with-  
 out felony, but he shall be imprisoned until  
 the coming of the Justices of Gaole deliv-  
 ery, if he cannot find pledges for his appea-  
 rance before them, and then he shall put him-  
 selfe to his trial by the country de bono  
 malo. and if it be found by the country that  
 he did the same in his own defence, or by mis-  
 adventure, then the Justices of assise are to  
 certifye the King thereof into his Chancery, and  
 from thence he shall have his pardon of the  
 grace. This Statute maketh mention of  
 Justices errant, and of Justices of Gaole de-  
 livery

liberty: wherefore it seemeth that if any be indicted before them, that he killed one in his own defence, that that indictment is as good as if the same had been found before the Coroner, upon the view of the dead body, otherwise it is if such indictment be found before Justices of P. for that they have not any authority to take any such indictment. And note that it appeareth 44. E. 3. before cited, that there is one case where one shall be killed by chance-medley, and yet he that killeth him shall not forfeit anything: As if B. striketh B. to the ground and thereupon B. draweth his knife to kill B. and B. lying upon the ground draweth his own knife, and B. is so hasty to kill B. that hee choppeth himselfe upon the knife which B. had in his hand, and so B. was slain, And it was adjudged in this case, that the said B. was not culpable of the death of B. nor shall forfeit his goods, because B. in a manner killed himselfe, &c. And as it is in the Eyres of North. before pag. 186. and 197. there is a case not much unlike to this case, which hath a contrary judgement, and yet if collation between them be made, ye shall see that they are not both alike; for there he stood upon the ground, but stood upon his feet, inasmuch that he might have made other defence for the saving of his life then the other could that did lye upon the ground; and the case there was this, viz. A. did strike B. and B. did lye till that he came to a staff, as it is expressed, and then B. perceiving that A. would kill him, did hold a pitch-fork between him and B. and B. was so fierce that he ran upon the pitch-fork, and so was slain: and yet

Homicide by  
misadven-  
ture or mis-  
fortune.

yet notwithstanding this matter, **B.** be  
put to purchase his pardon of course, and be-  
cause he hath forfeit his goods, &c.

And that is if a man without any evil intent  
cast a stone or shoot an arrow whereby one is  
hurt unawares and slaine, going to the mar-  
ket or about any other necessary and lawful  
business, this manner of killing is homicide  
by misadventure, for the which the offender  
shall have his pardon of course in the like sort  
as before in the case where a man shall kill  
it for killing a man in his own defence. And  
that is by the said Stat. of Glouc. or par. 2. R. 1.  
and he shall forfeit his goods, as before in the  
case of killing a man in his own defence, vide  
the Stat. of Marlebridge cap. 15. that saith,  
Murdum de cetero non adjudicetur coram iu-  
sticiar. ubi infortunium tantummodo adjudica-  
est, sed locum habeat murdum de interfectis per  
feloniam tantum & non aliter. By which

Statute it appeareth, that misadventure by  
the Common Law was adjudged for murder.  
But that ought to be with a distinction which  
Bracton hereafter hath made, that is to say,  
where one hath done a thing lawful, & when  
not, for if he hath done an unlawful thing,  
and if any misadventure doe thereof ensue,  
whereby anyone is slaine, that is felony at  
this day, if it be not murder. And therefore  
**B.** Strike **B.** and **C.** comes betweene them  
to part them, and is deadly wounded by the  
said **B.** or **B.** without any evil intent, yet  
notwithstanding if **C.** upon that hurt do dye  
within a yeare and a day next after such hurt  
given, it is felony in him which hurt **C.** and  
not a misadventure, for that the fact which **B.**

and B. did was unlawful, ut pat' tit' Coron  
22, libr. Ass. And if A. and B. did intend  
one to kill the other, then it is felony in them  
both ut pat. 22. E. 3. And note that the same  
order is to be observed in pleading the verdict,  
forfeiture and pardon of one that killeth any  
by his adventure as aforesaid, to be of one  
that killeth another in his own defence, and  
the said Statute of Glouc. extendeth as well  
to the one as to the other.

Bracton defineth felo de se in this manner,

viz. eodem modo sicut potest quis feloniam fa-  
cere interficiend' alium, ita feloniam facere po-  
test interficiend' seipsam. feloniam quidem facit

seipso qui rei alicujus crimen cap' sit pro eod,  
potest pro morte hominis vel cum furto ma-

lleso, vel qd ulagat' sit vel in aliquo scelere  
vel maleficiis deprehensus, & moru penz immi-

nentis mortem sibi consueverit, heredem non  
habebit qui sic convincerit feloniam prius f. &

2. furtum, mors hominis vel hujusmodi &  
inscientia metus in reo pro confession' habet.

According to Bracton. ye shall see the book ti-  
tled 'Coron' in Fitz. 2. 39. where a felon of him-

self shall forfeit his lands. But whether he  
do before he is killed himself committed felo-

ny or not, appeareth not by the book, deo quer-  
re distinction that Bracton hath made, he

saith at this day, for it appeareth in divers  
other books, that a felo de se shall forfeit his

lands only, and no lands, as pag. 30. 362.  
Item, in dicto, and there also it appeareth.

124. That if one that is frantick from  
day to day, do kill himself, that such a man

shall forfeit no goods or chattels, but other-  
wise it is if he be not frantick from day to

day.

Homicide  
called Felo  
de se.



day but only at some times: Also there pag. 244. was presented, quod quidam lunaticus percussit seipsum cutell' suo & postea recuperavit de infirmitate sua & habuit iura ecclesiastica & obiit ration' plagæ quam accipit. Catall' ejus non fuerunt forisfact'. the contrary whereof ye shall find pag. 142. But the Law is cleere, that if a man which is of good memory committeth the same fact in such manner, & afterward recoverseth, & yet notwithstanding dieth of the same plague that he gave to himselfe, he in that case shall forfeit his goods, vide ibid. the case p. 94 that was before remembred, That is to say, where B. striketh B. to the ground, and thereupon B. plucketh out his knife to kill B. and B. lying upon the ground plucketh out his knife, and B. is so hasty to kill B. that he choppeth himself upon the knife of B. and is so slain, in this case B. is a felon of himself, and that case agreeth with Bracton heretofore.

Homicide  
not committed by man,  
but by some  
casualty  
whereof  
commeth  
deodans,

Deodand. est where any person commeth to his death by misadventure of any thing that shall fall upon him, or by misadventure of a fall that he taketh from a Cart or a Horse, or any other thing, the same not being occasioned by any other person, the thing that so occasioned the death, shall be forfeited and taken as a deodand, to be distributed in Almes, for the benefit of the soul of the dead person. And note that it is not materiall, whether the thing that killeth him be moving at the time that he was killed or not; for although that it be not moving, yet notwithstanding it shall be called a deodand. as well as that which was there moving, as it shall be hereafter expressed.

ordred upon the Statute of 13 Edw. 1.

13 Edw. 1.

3



pressed. And therefore when you speake of a  
 thing moving, that is only to this intent, viz.  
 That al things moving, with the thing which  
 is the occasion of the death, shall be tested,  
 as well for a deodand, as the principall thing,  
 qd vide tit. Fitz. 403. ubi dicitur, quod omne qd  
 movit cū eo quod occidit hominem deodand' est  
 domino Regi vel feodo Clericū. and therefore  
 ye shall find ibid. pag. 398 where a man did  
 cut down a tree, the which did fall upon the  
 bough of another tree, which bough did fall  
 upon a man and killed him, and was adjudged  
 that as well the tree as the bough should  
 be a deodand. And the same Law is, where  
 a man doth ride upon a Cart, and the Cart  
 falleth upon him & killeth him, here as well  
 the horses which drey to the Cart, as the Cart  
 it selfe, shall be Deodands, ut pat. ibid. pag. 388.  
 and ye shall find pag. 397. That a man be-  
 ing upon a Cart loaden with fagots, & ligand  
 to eam cecidit morione unius equi in eadem  
 rama existens per qd obiit, and the Horses &  
 the Cart were adjudged for deodands. Also  
 pag. 405. A beame on which did hang a bell,  
 did fall upon a man & killed him, the bell as  
 well as the beame were adjudged for deodands,  
 non obstante quod fuerunt bona ecclesie, sed ta-  
 men de gratia & honore ecclesie, capitalis  
 iustis redonavit. Et pag. 326. A man fall-  
 ing out of a Cart loaded with hay, and the  
 wheele of the Cart did breake his legges,  
 thereof he dyeth, and the hay was adjudged  
 to be a deodand as well as the Cart, tamen  
 pag. 342. A man falleth out of a Cart, and  
 breaketh his neck, as he was loading of it  
 with straw, by the moving of the horse, the  
 horse



sum oppressie in such sort that he died, and it was adjudged that the said massa terra onely should be forgotten, and not the hold or pit where he was killed. The same law is where a man falleth from his horse, & quatherh his head against a block whereof he dyeth, the horse onely shall be adjudged for a deodand, & not the block in that it moved not at all, qd. vide ibidem pag. 341. And also Briton titulo Coron' fol. 6. saith that if a man fall out of a ship sagling, nothing is the occasion of his death but onely the ship, and yet the things moving may be said to be the causes of his death, the merchandise lying at the bottome is not the cause of his death. This ship so sagling ought to be upon the fresh water, &c. for if it should be on the salt water, it seemeth that it should not be a deodand, as it appeareth by Bracton titulo Murder, who saith there in this manner, non deodand. est navis nec bartellus nec alia catall' aquis submersi sunt in mare nec in falsa nec wrecum est cum sit qui catella diceret & dicere possit. Et nota, that it seemeth to one by the books before pag. 389. that if he dye by misadventure, and be within the age of 14. years, that then nothing shal be forfeit for a deodand, for there presentment was that A. filius B. ultra 14. an. &c. tamen quare & vide Fitz. titulo de Indisements pag. 27. That where a man was found dead in the field, Belknap said that his appeal should be given to the Church to pray for his soul, & should not be taken for a deodand, & note that every deodand the sheriffe shal answer, viz. he shal be charged to le by the price thereof of the village, notwithstanding the thing was not

delivered to them to keep before, qd minū ut p-  
r at ibid. pag. 298. And therefore when such a  
misadventure is found, the presenters should  
find, appraise, & value the deodand, & the Co-  
roner should returne the same in his Inqui-  
sition, and in whose custody the same remains,  
so then the King may know by that Record,  
of whom to demand it by Proccesse out of the  
Crown office.

It is requisite that the thing that is killed  
be in rerum natura. And therefore if a man  
kill an Infant in the mothers belly, that is  
not felony, nor he shal not forfeit any thing  
for it, and that for two causes, one is for that  
the thing that is killed had not the name of  
Baptisme, the other is, for that it is hard  
and difficult to iudge whether he killed it or  
not. That is to say, whether the Infant dyed  
by the beating of the mother, or by any other  
occasion, ut patet titulo Corone, &c. pag. 263.  
& vide there pag. 146. A more strange case  
viz. A man did beate a woman great with  
child of two children, so that immediately one  
of the Infants dyed, and the other was born  
alibe and baptised by a name, and two days  
after, for the hurt that she had received she dy-  
ed, the opinion was as before, that it was  
not felony in the man, & vide the same case in  
Fitz. titulo Indictments pag. 4. But it seemeth  
that the reason where it hath no name of  
Baptisme, is not of any force, for ye may see  
titulo Corone before pag. 418. that it was pre-  
sented quod quidam melior cundo versus cap-  
pellam peperit filium, & statim abscondit gulam  
& projecit in stagnum & fugit, ideo exigatur, &  
mulge, for that was homicide, in that the  
thing

thing killed was in rerum natura before it was killed, and so nothing like the case before; it is licet where the infant was killed in the mother's belly, &c. the which case Bracton affirmeth for Law in his division of homicide before, saying in this manner, Si sit aliquis qui mulierem pregnantem percusserit, vel ei venenum dederit, per quod fecerit abortivum puerperium jam formatum vel animatum fuerit & maxim. si animatum, facit homicidium; but contrary to this seemeth the Law as before. Item, it is requisite to homicide, that if one beate another whereof he dyeth, that that death be within twelve months & a day next ensuing the same beating, as pater pag. 303. The same Law is, if payson be given to one feloniously that he dye within the yeare next after, &c.

It is a common erudition amongst us, That if a Statute say giveth a remedy for any offence, we may understand thereby, that before there was no remedy for the same offence at the Common Law, other then is not expressed in the said Statute, except we have read any thing that may induce us to believe the contrary. The statute of Westminster the first, cap. 13. defendeth Rape in this manner, viz. The King defendeth that none shall ravish or take by force a maid within the age of eleven yeares with her consent, or without her consent, nor any dame or maid of age, nor other woman against their wills, and if any so do, the King shall do him common right, & if none commence the suit within 40. dayes, then the King may sue, and those that be shall and culpable shall have two yeares imprisonment,

ment, & after shal be arraigned at the Kings  
 pleasure, and if he be not arraigned, he  
 be punished by more longer imprisonment  
 according to the quality of the trespassse. **R**  
 readers of this Statute if they have not read  
 Glanvill and Bracton, do thinke that by  
 common Law Rape was but trespassse, wher  
 in truth it was felony, or other more grie  
 vious crime, and first Bracton in his second  
 booke of Rape saith in this manner, Rape  
 virginem est quoddam crimen quod femina  
 imponit alicui de quo dic esse violenter op  
 pressam contra pacem domini Regis, quod  
 quidem crimen si convincat, sequitur pena, sci  
 licet amissio membrorum, u. sit membrum pro  
 membro, quia tunc cum virgo corrupta  
 membrum amittit & pro corruptor punietur  
 eo quo delinquit, &c. **H**ere I have expounded  
 that which was the Common Law in Rape  
 before the Statute of Westm. 1. wherewith  
 Glanvil agreeth, fol. 113. Also I find among  
 the Lawes of St. Edwin, once King of the  
 Realme, this Law, qui cum nunna vel sancti  
 monialis fornicetur, emendetur sicut homicidia  
**B**y the which it appeareth, that he that  
 hath committed fornication with a Priest  
 or with a holy woman, he should be punished  
 as an homicide, A multo fortiori, then should  
 he be punished if he had ravished. So that  
 Rape at the beginning was much detested  
 and abhorred, and very great and grievous  
 punishment assigned thereunto, til the time  
 of King E. who seemeth by his law made at  
 Westminster to have mitigated the paine  
 of the same, and afterward copying the great  
 enormities that ensued the same Law, he  
 his

his next Parliament holden at Westminster, called Westm. 2. cap. 34. did make the same offence of Rape to be felony. The words of the Statute be these, It is enacted, that if a man doth ravish a woman espoused, a damsel, or any other woman hereafter, whereunto he neither hath assented before nor after, he shall have judgment of life & members. And in like manner, where a man shall ravish a woman, damsel espoused, damsel, or any other woman by force, although she assent to the same afterwards, he shall have the like judgment as before is said, so that he be attainted at the st. Just. & in that case the King shall have his suit.

The Statute maketh no definition of rape but leaveth the same to the common law. It is seemeth to make a difference between ravishment with force, and ravishment without force, And therefore quere what manner of fact he intendeth. Brit. saith fo. 45. that if the woman at the time of the rape conceiveth with child by the ravisher, that it is no rape, for that no woman can conceive if she assent not thereunto; also Bra. saith, that it is a good plea in an appeal of rape, to say that before the time of the ravishment supposed to be done, he held & used the plaintiffe as his concubine; also it is a good plea for him to say, that though he did lie with her yet he knew her not carnally; for this is the force of a declaration in an Appeal of rape; & also note, that if a man be to be charged with rape by way of indictment, or otherwise he ought to be charged expressly by this word Rapuit, & not by any other words, though they amount so as much as this word Rapuit, ut puta carnaliter cognovit & huiusmodi,



as it appeareth 19.E.4. fol. 27. Also there  
another Statute concerning rape, made an  
E. 2. the which doth put great penalties  
forfeitures upon the woman which consen  
teth to the ravisher after the ravishment,  
yet nevertheless doth give an appeale of rape  
to the husband of the wife that is ravished,  
if she have no husband, then to her father or  
her next of her blood, and that the def. shall  
not gage battell in such appeales.

Of treasure  
trove.

Bracton saith of treasure found in this man  
ner. Est inter cetera gravis presumptio contra  
Regem, dignitatem, & Coronam suam quae quid  
dem est quasi crimen furti, scz. fraudulent' oc  
cultatio inventi Thesauri, &c. Note that Brac  
ton saith here, that the hiding of Treasure  
found is gravis presumptio. So that it seemeth  
that in ancient time it was doubtful whether  
it was felony or not. And therefore it is said  
in Coron. in Fitz 187. that the punishment of  
Treasure found is taken away, & is now by  
imprisonment & fine, and not of life and mem  
bers, &c.

Et ibidem eodem titulo pag: 446. appare  
t quod thesaurus non competit Regi nisi quan  
do nemo scit quis abscondid' thesaurum, &c.  
So that if it be known to whom the property  
is, then the King shall not have it, but  
to whom the property thereof belongeth,  
it seemeth, that if he dye before the finding  
that his executor shall have the same. Et vide  
ibidem quod thesaurus competit domino Regi  
& non domino libertatis, si non sit per verba spe  
cialia or by prescription. Britton in his book  
fol. 126. saith, that Treasure found in the sea,  
or upon the land, & not in the earth, apper  
taineth

taineth to the finder, and not to the King, &c. Also he saith that when a man hath found it, he ought presently to let the Coroner or Coroners of that county understand thereof, or else the Bayliffe and the Coroner without delay ought to enquire if any thing thereof be purloyned away.

Note, that Bracton saith that Mayhem is <sup>Of a Mayhem.</sup> properly said where any member of a man is taken away, whereby he is the more unable to fight, as if the eye, the hand, the foot, or by pulling of the head, or knocking out of the teeth; but cutting off the eare or nose is no Mayhem, but a blemish of the body. Seton Justice said 29. E. 3. that every finger of the hand shall be said to be a Mayhem, if it be cut off. Item 8. H. 4. ye may see there that it is no Mayhem to cut off auriculam hominis by the which he loseth his hearing, but the knocking out of the teeth is a Mayhem, so that with them he may defend himself in battell. And Bracton agreeth therewith, so he saith in this manner, Mayhem dici potest ubi quis in aliqua parte sui corporis efficitur mutilatus ad pugnam. per illum quem appellat, &c.

Note, that these places and territories are expressed and declared, are allowed for and waives for felons if they can get to them before they be taken, viz. Wells in the County of Somerset, Westminster. Manchester, Northampton, Norwich. Poole, Darby, and Launceston, for all such felons as may take the benefit of their Clergy, by the laws of this Realm, and none else: For Treasens, Rapes, Burglaries, Robberies by the highway, or in a house where any are put in fear: burning

burning of houses or barns, (wherein cases laid, robberies of Churches, Chappels, other hallowed places: Stealing of Horses, Mares, & murder, with their abettors, procurors, and counsellors: All these offences excepted by the Statutes of 26. H. 8. ca. 13. 32. ca. 11. H. 6.

What a  
Sanctuary  
is.

A Sanctuary is a privileged place, appointed by the King our Sovereign, for safeguard of the life of man, which hath sinned the Law: and it is grounded upon the Law of mercy, for the great reverence, honour, and devotion which the King beareth to the place, to which he granteth such privilege: which in times past was so greatly had in reverence and honour that offenders in case of Treason, Murder, Rape, and all other offences whatsoever, might have the privilege thereof. Polidor Virgil in his booke intituled de inventione rerum, lib. 12. cap. 12. writeth against this ordinance, touching Moses his Law for his warrant, saith, that he allowed Sanctuary for a man only in this case, where one killed another by chance-medley, not having any malice forethought to doe the same. For in Exodus cap. 21. it is written thus, Si quis per iram striam occiderit proxim. suum & per iram ab altari modo avell' eum ut moriatur. Therefore it is held that the Kings of this Realme have rather imitated the Law of Romulus, then of Moses, in granting such large privilege to malefactors: for it was ordained by Romulus, that every one who fled to the Sanctuary in Rome, should be discharged of all manner of crimes: which

was used here in England before the making  
of the said Stat of 16. H. 8. and 32. of the same  
Act, &c.

But, that in high treason there is no access-  
ary, but all are principals ut pat. 3. H. 7. fo. 9.  
So that what offence soever maketh a man  
accessary in felony, the same offence in high  
treason maketh him principal, therefore it is  
to be seen who shall be accessaries in petty  
treason, or felony, or in other like crimes, in  
which accessary may be.

Note, that if one procure or command  
another to doe a felony, but is not present  
when the other doth the same: This  
procure or commander is but accessary be-  
cause the felony done, ut patet 7. H. 4. f. 30. but if  
he be present at the time & place where the felony is committed, for  
that case he is a principal, ut patet 7. H. 4. f. 13.  
The same Law is, if a man be present at the  
murder of a man and he murthereth and setteth on  
the murderer to murther him and kill him, in this  
case he is as far forth a principall as he that  
murthereth, qd. vide 13. H. 7.

The same Law is, if he were present, & com-  
manded another for the same purpose, though that  
at the same time he murthereth not the other to  
murder him, or kill him, nor doth anything but  
command him, yet he shall be adjudged as a principall,  
2. E. 4. B. 11. Also vide 11. Coron. in Fitz. fo.  
10. Where it was found that one that was  
present, yet did nothing, but would have aided  
the murderer if the dead person had made a  
resistance, & for that he was adjudged a prin-  
cipall, And according to this, vide ibm. pag.  
350. & 433. that all those that come in  
company

Of princi-  
pall and ac-  
cessary.

Of accessa-  
ries before  
the offence  
committed.

company in any place, or any assembly where any evil is done, be it homicide, robbery, or any other trespass, they all shall be accounted as principall doers, though that they do hurt at all. And therefore a man was condemned in that he was a disseisor where a man was killed, & it was said by the law that he came not thither to do any evil. And note that as it was of homicide, or murder, even so it is of any other felony, as of rape or robbery, quod vide titulo Coron' in Fitzh. 311 & 11. Hen. 4. wherein an appeal of Rape against two as principalls, whereas one did not the act, but assisted and ayded his companion to do the same, & titulo Coron' in Fitz. fol. 350 & 314. where only one did the robbery, and the others were in his company, came with him for the same purpose, &c. But if one do chance to be present when another slaine, or when another felony is committed, and cometh not in the company of the felons nor is of their confederacy, although he withstand not, or disturbeth not the felon, nor lecheth hue and cry, yet he shall not be taken either principall or accessory: for it is not felony in him, but finable as a trespass. And such a man be within Age, hee shall have no punishment, qd vide titulo Coron' 395. & 11. H. 7. f. 33. & vide titulo prae. 293. where is a man that was of full age, was but amerced in such a case, &c. Tamen 314. ibid. it appeareth that such sufferance is felony, & so was the opinion of Shard 197. but it is against the Law, as it appeareth in the bookes before cited, &c.

Also if A. hold B. in his armes till such time

meas C. killeth him. 3. for that cause is  
 principall ut pat. 15. E. 3. And note ye, that  
 the law at this day as concerning accessaries,  
 as you have heard before, though that in  
 olden time some Judges did vary in their  
 opinions for Law, in that point: for it appea-  
 reth, tit. Corone in Fitz. 90. & 216. That in  
 the thirtieth yeare of Edward the third, they  
 made the Law to be, That he that was pre-  
 sent when any was slaine, and ayding and  
 commanding the killer, should not be princi-  
 pal, but accessary, &c. And in that they did  
 agree with Bracton, who saith in this manner  
 omnes presentes sunt etiam de forcia quam  
 fecerunt, &c. And after the attainder of the  
 principal fact, he goeth to those that be ap-  
 pealed of force, and make the appeale in this  
 manner, viz. A. appellat B. de forcia quod cum  
 A. & C. frater suus essent in tali loco, &c.  
 And he saith in another place, That if two  
 be appealed as accessaries to a third person,  
 one of force, and the other of command-  
 ment, they shall wage battell, before he  
 that is appealed of commandement, Quia  
 in quodammodo in se attinet factum id est  
 in hoc preceptum. And so by him that in  
 case when one is killed, and being coun-  
 seling, ayding, or in any other manner assis-  
 ting, so that he slayeth him not himselfe, he  
 is but accessary, &c. And with him a-  
 gainst the Statute called Officium Coronae,  
 in the third year of King Edward the first,  
 the thirteenth year of King Edward the first:  
 but the Law is at this day: and yet the account in the  
 appeale against the principal is, that he  
 principally did help, and did strike the  
 party

party slain, deadly: but to that may be  
said, That those words bee but words  
for me, and also it is help in Law, &c. If  
I command one to take another, and he goes  
from me, and taketh him and robbeth him  
I be absent when he doth the same, that  
not felony in me, ut patet titulo Coron' in Fitz.  
for that he exceedeth my commandement, and  
my commandement might have been perfo-  
med without Robbery, &c.

But if I command one to beate another  
and thereupon he beateh him to death, that  
shall be felony in me that commandeth, ut patet  
ibm. 314. for it is difficult and hard to beate  
a man in such sort that it shall be said he  
not dye of such beating, &c. therefore in such  
case I am accessory to him that killeth him,  
reason that it was done upon my commande-  
ment, &c.

Accessories  
after the  
offence  
committed.

That is, where one receiveth a felon, know-  
ing of the felony that he hath commit-  
ted, or laboureth him, or ayeth him, he there-  
by shall be said to be an Accessory after the  
fact. But distinguishing, etc. of this aid or coun-  
cell: for if he ayd him with his good words  
and sueth for his delivery, or sendeth letters  
for his deliverance, that maketh him not to be  
accessory to the felony: ut patet titulo Coro-  
ne in Fitzh. pag. 195. &c. Say. this defini-  
tion is to be made of an Accessory, it extend-  
eth only to those that be Accessories to a  
principal attainted; for if after the attaining  
one receiveth and aideth him, That is, after  
he be convicted of the felony by verdict, out-  
lawry, or confession, he seemeth to be an  
Accessory, though that he knew him not to be  
a felon,



felon, in that he is a felon by matter of Re-  
cord, of the which every stranger is bound to  
take Cognisance, taken quere: for ye shall  
finde titulo predict. pag. 377. one note, which  
is thus, scilicet, Note ye, that when a man  
is indicted for the receiving of a man outlawed  
for felony in the same County then he shall  
forfeith his life and members, Secus esset in alio  
County, &c. Ergo thereof ensueth, that if one be  
indicted for felony in one County, and ano-  
ther receiveth him in another County, hee  
shall not be accessorie; for that he cannot take  
Cognisance of that which was done in ano-  
ther County, though that it be matter of Re-  
cord, &c. And agreeable to this note, I finde  
in a Statute written thus, Si quis talem post ur-  
tationem scienter paverit, vel cum eo convi-  
verit, receptaverit, aliquo modo vel jam oc-  
cultaverit: eadem poena puniri debet qua puni-  
entur ulagatus, &c. So that it seemeth he  
maketh no difference between matter in fact  
or matter of record, &c. in that he maketh sci-  
ent material in the case, &c. And note ye, that  
in the Common Law, if one commit felony  
in one County, and before his arraignment one  
receiveth him feloniously in another  
County, that was not felony in the receiver  
County of trial, in that those of the County  
where the accessory offended, could not have  
Cognisance of the principall offence com-  
mitted in another County, quod vide titulo  
predict. pag. 33. et 43. Ed. 3. wherefore a Sta-  
tute was made annis 2. et 3. Ed. 6. which  
is in this manner, Forasmuch as the most ne-  
cessary Office and duty of a Coroner, is to pre-  
serve the life of man, and to vindicate to pu-  
nith

with such persons that unlawfully & wilfully  
 murder, slay, & destroy men &c. From  
 the preamble of this Statute. And also it is a  
 common practise amongstarrant thieves, &c.  
 being in this Realm, that after they have  
 taken & stolen in one county, they will come  
 with their spoils, and part thereof so stolen, to  
 some of their adherents in another county, where  
 the principal offence was not committed,  
 done, &c. By this preamble it appeareth  
 if one feloniously received parcel of the goods  
 stolen, that he shall thereby be an accessory,  
 quare, thereof: for ye shall find titulo Cor.  
 in Fitz. pag. 126. That one shall not be  
 accessory for receiving of goods stolen, only,  
 receive not also the felon himself. And there-  
 fore the Indictment was there quod sciens  
 felonice receptavit latronem, &c. and he  
 discharged thereof racione jandi. But if  
 he hath well received the felon himself, and  
 goods, then otherwile it were. ut patet 9.  
 fol. 12. et tit. Coron. in Fitz. pag. 427. where  
 felonied dy to his brothers house; his  
 brother did shut the doore, and the Coroner  
 that pursued him went deceived thence,  
 they did confesse that he had continued  
 the house, when he did fly thence to the  
 tower: per his brother was a witness  
 say to that felony, &c. ut patet ibidem pag.  
 That which may be an accessory, to an  
 offence: as if a man feloniously do  
 kill a man, & another be an accessory to a felon, &c.  
 appereth there pag. 48. That he that  
 be an accessory of a felony, is principal  
 nor accessory, &c. and the reason thereof  
 will stand, is, for that by this recett, a  
 felon

Felony is committed by him, though that it  
pendeth upon the ancient & former Felony,  
&c. And note ye, that Bracton counteth an ac-  
cessory, receptor. malorum, &c. ut supra. c. 19. f.  
6. & saith that a woman cannot be accessory  
to her husband.

I have already intreated of accessories by  
the Common Law, now therefore I will en-  
treat of accessories by the Statute Law. It  
seemeth though an offence be made Felony by  
statute, though the same Stat. doth not speak  
expressly of abettors, procurers, counsellours,  
& receivers, yet shal it be taken to be with-  
in the compass of that Statute, as it appea-  
rth in the title of Treason, 19. H. 6. where  
consenter and ayder to the counterfeiting  
the great seal: privy seal, or the R. mo-  
ny, was adjudged a Traitor: And yet the  
words of the Statute are, if a man do counter-  
feit, &c. the which thing the other seemeth not  
to have done, in that he was not but consen-  
ting to the same, &c. The same law is  
in case of rape, where one did the fact & another  
aided him, & ayded him to commit the rape,  
thereby is a ravisher as far forth as his  
aid or counsel did the rape indeed, as it ap-  
peareth 11. H. 4. et tit. coron. in Fitz. pag. 120.  
yet notwithstanding the words of the  
statute of Wilelm. 2. c. 3. 4. are, if a man ra-  
pe a woman, &c. but that was the cause of the  
rape, without which perhaps the rape had not  
been committed: & principal doer, in that he  
was present when the fact was done, & there-  
fore as well culpable of the fact as the princi-  
pal doer is: & if any be acquitted of a principal  
doer he is then acquitted of all offences as ac-  
cessories.

accessory before the principall fact committed  
 but not of offences perpetrated as accessories  
 after the principall fact done, as it shall ap-  
 peare after, and therefore some may argue  
 this case, as though that accessory before  
 offence committed, bee taken to be within  
 the compasse of a Statute that maketh felony  
 though they be not expressed, for the reason  
 before made: yet notwithstanding that  
 beeth not, that accessory after the offence  
 perpetrated should bee within the compasse  
 such a Statute if it be not expressed. But  
 whether it be, those of the Parliament in  
 the time of King H. 8. provided for the same.  
 It appeareth as well by the Statute of  
 King, anno. 32. H. 8. as by other Statutes  
 at this instant are not in force. And by a  
 Statute made in the first and second year of  
 M. against unlawfull and rebellious assem-  
 blies, which Statute as yet is in force. And  
 by a Statute made i. M. concerning Eg-  
 gins, and as yet also in force; The  
 Statute prohibiteth as well for accessories  
 before the offence perpetrated, as after.  
 the Statute of 3. H. 7. of those that take  
 witholdes, or withes against their  
 where the words are, that such taking,  
 curring, and abetting to the same, and al-  
 luring traitorously the said woman so  
 against her will, and knowing the same  
 felony: and that such misdoers, takers,  
 curers, and receivers to the same, know-  
 ing the said offence in forme aforesaid, be  
 forth reputed and iudged as principall felons.  
 More, as it seemeth there is no accessory  
 this offence upon the Statute, in that by

...they be reputed & judged as principal  
...which maketh them as it seemeth as  
...principals, &c.

Note that in an appeal of Mayhem the  
...may chuse to make every of them  
...principals, or him only that did hurt him, to  
...principal, and the others Accessories, or  
...215.221. & 199.

There are three sorts of attainders, viz. by  
...confession, by verdict, and default; outlaw.  
...and in all these cases the principal ought  
...be attained before the accessory: but in  
...manner of proceeding in his attainr, there  
...is diversities of opinions; for Bracton saith

How the  
principal  
shall first be  
attainted,  
& after the  
accessories.

...the attainder by piores in this manner  
...quidem utlagationis possunt esse mul-  
...do that it appeareth, that at that time  
...was diversities of opinions about the  
...manner of attainder of Accessories by Out-  
...law, which diversity was taken away by  
...Stat. of Westminster the first, the which  
...viz. And so; that that men have used  
...some Countries to outlaw the People ap-  
...pealed of commandement aforesaid, & receipt-  
...within the said Terme, in which a man  
...outlaw him that is appealed of the fact  
...principal. It is provided and commanded  
...the King, that none be outlawed for ap-  
...pealed of commandement, force, aid, or receipt-  
...untill he that is appealed of the fact be  
...attainted: so that one only Law therof be  
...throughout the whole Land, &c. But he that  
...all appeals, should not therefore cease to con-  
...his appeal at the next County against  
...as well as against the appeals of the  
...but the Exigent against them shall stay

untill such time as the Appales of the  
 be attainted by outlawry or otherwise. The  
 Statute is not to be understood of appales  
 commenced by bill: for of appales comman-  
 ced by writ, there appeareth not any re-  
 accessory till such time as the count be made  
 the which is not made, till such time as the  
 be also appearance for the Accessory. ut per  
 41. Edw. 3. fol. 15. Wherefore in that  
 where an Appale is commenced by writ,  
 the Plaintiffe will pray the Exigent against  
 all, he is thereby concluded to count after,  
 against any one of them as accessory; for if  
 otherwise, &c. he should not have the Exigent  
 against all them untill the principall had been  
 outlawed, for in that case hee is concluded,  
 per tit. Coron. in Fitch. pag. 80. This Statute  
 willet that the appale of the fact be at-  
 tainted before the accessory shall be outlawed  
 admit then, that at the time when the ac-  
 cessory is at the exigent, the principall appeareth  
 if then the Exigent shall be awarded against  
 the Accessory, till that the Verdict against the  
 principall be determined, &c. it seemeth not  
 for notwithstanding that the Verdict be de-  
 termined, yet the principall is not attainted  
 and untill such time as he be attainted, the  
 accessory ought not to be outlawed, ut sup.  
 7. H. 4. fol. 31. That which is said extendeth  
 to that where the accessory doth not appear  
 but maketh default: Wherefore note let  
 see what shall be done when the accessory  
 appeareth in judgement, and the principall  
 also, & in respect thereof, note you that by  
 an elent Law, the Accessory should not be  
 outlawed till such time as the principall be

been attainted, ut patet per Bracton, Si omnes  
 presentes sunt tam de forea quam de fact, pro-  
 ceditur contra omnes per ordinem, dum tamen  
 illi desertia non respondeant: antequam ille de  
 facto convincatur, &c. **And agreeable unto this**  
**in the books of 44. E. 3. fol. 91 & 111. Coron. in**  
**tit. 216** but since that time the Law hath bin  
 changed, as for now, be it that the principall  
 appears, or make default, the Accessorie if he  
 appears, shall answer, but if he pleades an  
 alibi, process shall cease to be awarded against  
 him for his trepan, untill the principall be ap-  
 peared, or be attainted of conspiracy, ut patet 9. H.  
 4. but yet those Process against the  
 party shall not cease, unless the Accessorie will  
 if the Accessorie will pay. Prozesse against  
 the Accessorie, before the principall be acquitted,  
 shall have them, in that it is damage to  
 him but himselfe. And whether he be acquitted  
 or acquitted, it is good, and he shall not be  
 againe arraigned for that offence: for the tes-  
 ting of the Inquest or verdict is not offence  
 unless the reason before made, ut patet tit. 16  
 Coron. 465. The same Law is if the Acces-  
 sory will image his barrel with the Accessorie  
 before his Principall both come, ut patet  
 ibidem pag. 8. for he may have the benefit that  
 the Law both give him therein &c.  
 Note ye that if the plea which the acces-  
 sory both pleads, be a plea in abatement of the  
 whole writt, the Principall therein shall have  
 advantage, notwithstanding his absence,  
 and the Escheator that is to be awarded a-  
 gainst the principall shall stay till it be known  
 whether the whole writt shall abate or not, ut  
 patet 9. H. 4. but if they both doe appear, viz.



the principal and the accessory, then the principal must first answer, and after the accessory; for such answer the principall may make that the accessory shall not be put to answer till the answer of the principal be tried: that is where the principall doth not plead directly to the felony, but some other plea, as if he plead that he was once before attainted of the same felony, and the appellant to the contrary that is not so, & so the party at issue: in this case the accessory shall not answer before that issue be tried, & H. 7. Quere if the issue be where the principal pleadeth in abatement of the whole writ, &c. But if the principal plead to the felony, the accessory presently after such plea shall plead also. And if they be at issue, a venire fac may be awarded against them all, ut patet in Coron. where Fortescue saith, that if at the day in the Court, the principal maketh default, the Inquest shall not be taken for the Accessory, but that the Inquest shall go without day, & the principal, manupators, or sureties shall make their fine, &c. And that agreeth with that which was said before, scilicet, that the Inquest shall sit for the accessory till such time as the principal cometh to be attainted by Outlawry, & note, when I speak of the principal, I mean then all the principals; for if there be others such as principals, & some of them do come, and some do not, yet the Inquest shall sit until all the principals be come, or be attainted of outlawry, if it be so that he be appealed; indicted as accessory unto them all: otherwise it is if he be not appealed or indicted but as accessory to one of them; for then



he should challenge but less 36. or under, and not above, & in that case the accessory was tried, & found guilty: & the Justices did advise with them selves what should be done in that case; for they were of divers opinions, &c. This Attainder whereof we have so often spoken, though that it be erroneous, yet notwithstanding that Court shall proceed with the Accessory, for the Accessory shall utterly take advantage of that error, quod vide ante 2. R. 2. fol. 21. Also there is one case, that although the principal be not attained; yet the Accessory shall be hanged: as if one advised as Accessory, and afterward the Principal commeth, not being attained, Tamen, the Justices in favore vias did inquire if the Accessory was attained or not: The same Law shall be in the cases above said, as it seemeth where the Accessory of his own good will, will wage battle, or have the Inquest proceed before the Principal both come, &c.

Note, that if the principal be acquitted, the accessory is thereby discharged, for Bracton saith, ubi factum nullum, fortia nulla, nec preceptum nocere debet, ubi iniqua nulla habuit effectum &c. & therefore it is cleare that the acquittal of the Principal, is also the acquittal of the Accessory, or if it happen that the Principal cannot be tried, as if he be in prison before he be attained, thereby the Accessory is discharged, & otherwise it is if he be after the attainder &c. The same law is, if before the Principal be attained of the felony, he is attained of another felony and hanged, the Accessory being by is discharged, ut patet in Coron. in Fleta 378. The same Law is though he be not hanged

Whether  
the acquittal  
of the prin-  
cipal dis-  
charge the  
accessory, or  
not,

hanged after the attainder, in that case he shall  
 answer to any other Felony, unless it be rob-  
 bery or Treason, the same Law is, If it be  
 found that the principall killed him, sc. defen-  
 dendo, the accessory is thereby discharged, ut  
 patet r. 16. Et tamen there the principall par-  
 doneth his pardon, &c. But that Pardon  
 signifieth not that he is culpable in any other  
 manner then he defendendo. But of other par-  
 dons otherwise it is, for if the principall doth  
 plead his pardon to a felony generally, with-  
 out any special matter found, the which should  
 cause the Pardon, & is thereby discharged,  
 yet that shall not discharge the accessory, but  
 he shall be found guilty of the felony, ut patet  
 de p. r. 260. for by such a pardon the felony  
 is confessed, of which felony he prayeth to be  
 discharged ex gratia Regis, and not by course  
 of the Law, as it was done in the other case.  
 Quare tamen, for the contrary is agreed by  
 way of argument, 3. H. 7. tit. p. r. 53. And  
 also by the opinion of Thym. 7. H. 4. fol. 13.  
 his reason is, That when the life of the  
 principall is given him by the Law, in what  
 manner soever it be, the felony is extinct in  
 his person and by consequence acquitted.

And it shall be where the principal taketh  
 him to his Clergy: and with this case agreth  
 the book of 3. H. 7. f. 2. tamen Fitz. tit. p. r. 53.  
 hath reported that book of 3. H. 7. to the con-  
 trary, so that notwithstanding the principal  
 shall have his Clergy, yet the accessory shall be  
 hanged: and according to that ye shall find  
 in 270. et 266. Sed distinguendum est of the  
 sort of the clergy, scz. whether he be clerk con-  
 stituted, or clerk attaint, for if he be Clerk at-  
 taint,

saunt, by the ancient Bookes the Accessory  
 shal be hanged; for that the principall in that  
 case cannot at any time make his purgation,  
 and otherwise perchance, if he were Clerke  
 coult. In that the Clerke coult may make  
 his purgation, wherefore in that case they shal  
 use to let accessories to mainprise, untill such  
 time as the principall ha made his purgati-  
 on, &c. ut patet tit. Cor. 145. 176. 182. 176. 297.  
 & 7. H. 4. fol. 13. & 13. E. 4. fol. 3. and then upon  
 his purgation to discharge the Accessory. &  
 if he dyed, or escaped before purgation, &c. then  
 to proceed to the arraignment of the accessory.  
 Quere if the difference will hold place at this  
 day in that, in the new bookes, before they  
 have expugnance of opinion in the case when  
 purgation is to be done. That is to say, in  
 the case of a Clerke coult; for some would in  
 that case that the accessory should be dischar-  
 ged and some would not. So that in that case  
 of the Clergy, and of the pardon, the new  
 bookes and the old agree not.

Note where it is said before, That the Ac-  
 quitall of the principall is also the acquittal  
 of the Accessory, that is to be understood, if  
 it be not in appeal. when the Accessory is to  
 recover damages; for if he will recover da-  
 mages, he ought to be tryed notwithstanding  
 the acquittal of the Principall. ut patet in Fitz-  
 pag. 223. Quere if that be Law now, by all  
 for it seemeth reasonable, that he should have  
 his damages upon the acquittal of his principall  
 without being tryed, or otherwise should en-  
 sue that the court would admit an Accessory  
 whereto then it appeareth that there is no  
 principall, which should be inconvenient; for

As Bracton hath well said, non possunt appellantes primo et principali appellato omisso, jungere duellum, cum appellantes de fortia et precept. &c. In my Lord Cookes 4. booke of reports, fol. 44. in an appeale brought by one Bibithes, termino Pasche, anno 39. Eliz. it is there resolved for Law, that although the principal was there convicted by verdict, in so much that he had his Clergy, his accessories both before and after the felony were discharged, and the same Law is there resolved, if a principall upon his arraignment confesses the felony, and before judgement gets a pardon, or hath his Clergy allowed him, the Accessories thereupon is discharged. 2 E. 3. 17. 12. E. 3. tit. Coron. 260. 5. H. 4. 16. 19. H. 4. 5. 3. H. 7. 1. & 3. H. 7. tit. Coron. 53.

Quod nota.

A. G. vid. nuper vx<sup>r</sup> R. G. in propria persona sua instanter appellat M: D: nuper de N. in comitatu S. yeoman, et I. B. Inuper de A. in comitatu prædict. yeoman, in custodia T. P. milit. vic<sup>r</sup> com. prædict. existen<sup>r</sup>, et ad barram duct<sup>r</sup> in propria persona sua, de mort. prædict. R. nuper viri sui de eo qd<sup>r</sup> ubi idem R. G. 28. die A. anno, &c. fuit in pace dei et dicti domini reg. operans et laborans in comburend. carbonies in terra, I. G. milit. voc<sup>r</sup> S. in quodam loco ibid voc<sup>r</sup> a Cole place, apud C. in com. prædict. ubi vener. prædict. M. D. et I. B. et felon. dict. dom. reg. et de insultu et malicia præcogitat. ac ad intention<sup>r</sup> præd. R. G. de bonis et de denariis suis deprædand. et spoliand. in eundem R. G. præd. 28. die A. et anno 30. suprad. circa horam 9. post meridiem ejusdem diei, vi et armis, viz. baculis, cultellis, &c. apud C. præd. in prædict. loco insultum fecerunt, et eundem R. C. ad tunc

An appeale of murder and robbery

et

& ibidem felonice et voluntarie interfecer. et  
murdraver. et cund. R. sic interfect. abinde in  
continenter asportaver. usque quendam boscum  
voce, &c. distan. a pred. loco circa decem per.  
existen. in parochia de T. in eodem Com. et  
ipsum ibidem in Silvestre loco roborum abscon-  
diderunt et projecerunt. Ac guttur suum ad tunc  
et ibidem sciderunt contra pacem dicti domi-  
ni regis coron. et dignitat. suas. Et quam cito  
iidem felones felonium et murdrum prædict.  
fecissent fugerunt et prædict. A. ipsos recen-  
ter insecut. fuit de villa in villam usque quatu-  
or villas propinquiores. Et alterius quovisque,  
&c. Et si prædict. M. D. & I. B. felonium et  
murdrum prædict. in forma prædict. fact. dedicer.  
velit tum prædict. A. parat. est felon. et murdr.  
prædict. versus eos probare prout cur hic conc. et  
invenit pleg. de prose. Appell. illud viz. I. W. et  
C. E. &c.

E. P. de H. in Comitatu prædict. Yeoman in  
propria persona sua juxta formam Statuti in  
Parlamento dom. reg. R. nuper regis Ang. se-  
cund. post Conquest. apud Westmonasterium  
anno regni sui sexto tent. edit. instanter appel-  
lat. I. B. nuper de H. in prisiona, &c. de eo quod  
ubi I. uxor prædict. E. P. fuit in pace dei et  
Domini Regis nunc apud H. in comitatu præ-  
dict. die, &c. Anno, &c. circa horam, &c. ibi ve-  
nit prædict. I. B. felonice ut felo Dom. Reg. nunc  
insidiand. et insult. præmedita. contra pacem e-  
jusdem domini regis coron. et dignitat. suas die  
anno hora et loco prædict. Et prædict. I. ad tunc et  
ibidem felonice rapuit et cum ea ad tunc et ibi-  
dem carnaliter concubuit et eadem I. eidem I.  
B. post raptum prædictum in forma prædicta  
perpetrat. scilicet, &c. die et Anno, &c. die  
perpetra-



perpetratione ejusdem raptus consentiunt, & cum pro eodem rapto juxta debitam legis formam punire omnino recusavit, Et quam cito, &c.

W. L. proxim. de sanguine I. filie et hæred. de T. L. jam defunct. scilicet frater præd. I. L. patris præd. I. felonice rapt. in propria persona sua instanter appellat R. R. de K. in comit. S. Yeoman & in custodia, &c. juxta formam statuti domini Rich. nuper Regis Angl. secund. post conquestum, Anno regni sui sexto tent. addit. de rapt. præd. I. & pacis Domin. Regis nunc fract. de eo quod ubi prædict. I. fuit in pace Dei & Domin. Regis nunc apud M. in com. E. die, &c. Anno, &c. circa horam, &c. ubi venit prædict. R. ut felo domini regis nunc insidiand. & insult. præmeditat. contra pacem dict. domini Regis coron. & dignitatem suas, die anno hora & loco præd. et præd. I. felonice rapuit, contra formam statuti præd. &c. Et quam cito &c.

Appeale de raptu, per prox. de sanguine.

I. A. in propria persona sua appellat R. L. de D. in com. S. Yeoman de eo quod ubi idem I. A. fuit in pace dei & domini regis nunc apud C. in com. præd. die. &c. Anno, &c. circa horam octavam post meridiem ejusdem diei, ubi venit prædict. R. felon. & felo dict. domini Regis ibidem, insidiand. inult. præmedit. contra pacem dict. domini regis coronam et dignitatem suas, die, anno, hora, villa & comit. prædictis quadam sagitta sagittavit præfat. I. A. in genu sinistro per quod venæ et nervi ejusdem genu totalit. exsiccat. fuerunt, & sic ipsam felonice Mahemavit. Et quam cito, &c. Et si, &c. Idem I. hoc parat. est versus eum probare prout cur, &c.

D. B. in propria persona sua instanter appel.  
D.

lat R. E. de amputatione lingue ipsius D. et pace domini regis fract. pro eo viz. quod cum per quoddam statum in Parlamento H. 4. nuper regis Angliæ anno regni sui quinto apud Westm. tenr. edit. ordinat. sit quod malefactores qui linguas hominum amputarent vel oculos eruerunt legeorum domini Regis hoc debet. probat. et confert. quod tale fact. ex malitia præcogitat. fuit perpetrat. penam felon. iucurrerent prout in statuto prædict. plenius continetur. Ac ubi prædict. D. fuit in pace dei et domini Regis nunc apud H. in comitat. præd. die et anno, &c. circa horam, &c. ibi venit prædict. R. E. felonice in felo domini regis insidiand. et insult. præmeditat. contra pacem domini regis coron. et dignitat. suas, die anno, hora, loco, et comitat. præd. et cum quodam cutello quem tenuit in manu sua dextra linguam ipsius D. felonice amputavit. Et quam cito, &c.

Where a felon appeals, and calls for the Coroner

Memorand. quod die Martis, &c. I. R. nuper de L. &c. divers. felon. coram domino rege apud W. fecisse cognovit petendo coron. domini regis sibi pro commodo ipsius regis et regni sui assignari et probat. dict. R. devenit. Et super hoc ego T. W. Cor. domini regis, &c. ei assign. fuit. per cur. ad recordand. ea que dictus probatur coram me dicere seu cognoscere voluerit, et dat. fuer. dies per cur. eidem probatori pro diebus suis appelland. sci. die Lunæ Martis et mar. cur. cum prox. sequen. Et postea, sci. die Lunæ præd. coram me præf. coron. apud W. venit probator. sub custod. Matr. dom. regis in propria persona sua, et appellat. T. C. nuper de L. et H. R. nuper de S. &c. de eo qd præd. T. C. simul cum ipso probator. circa primum diem S. anno, &c. apud B. in com. M. unam petiam argenti ad valent.

xxx. solid. de bonis et catallis A. B. ibidem, &c. felonice furat. fuerint : Et præd. H. R. sciens ipsos T. C. et Probatorem feloniam illam sic fecisse ipsos apud B. præd. quarto die tunc prox' sequen. felon' receptavit et petiam Argenti prædictis de ipsis emit, &c.

Idem modus observetur in aliis similibus &c.

Alias scilicet die Iovis proxim. &c. anno, &c. apud O. J. B. nuper de H. yeoman, coram L. M. et sociis suis Iusticiar. dom. Regis ad pacem in comitatu prædict. conservand. assign' Indictat. de eo quod ipse die et anno, &c. (recitando Indictament.) contra pacem Domini Regis coram præfat. Iustic' allocut. qualiter se vellet inde acquietare felon. prædict. cognovit, et probator domini Regis devenit petendo coronatorem domini Regis sibi assignari, super quo ego I. W. unus coron. domini Regis comit. præd. ei assign. fui ad audiend. ut recordand. ea quæ ipse pro commodo ipsius Regis dicere aut coram me cognoscere vellet. Et post ea scilicet tali die &c. dixit coram me præfat. coron. apud E. prædict. probator. apud W. I. de L. in comitatu L. yeoman, Ac idem probator in Regia viva inter W. et B. ad distan. decem miliarum de B. præbuit. decimo die. &c. anno, &c. in quendam I. B. insultum fecer. verberaver. et occidit. et sex marcas sterling. in pecuniis nuper. de bonis et catall. ipsius I. W. tum et ibidem veniens felonice ceperunt et depredat. fuer. unde item probat. præf. W. I. Appellat. &c.

Hoc audis dom. coronator. quo ego B. C. sim. la. minus equi vel alter. rei vel homicidia unius hominis vel plurimorum : Et felo domini. Iac. Regis Angliz. &c. Et quia multa mala et latrocinia peragunt in hac terra abjur. regnum domini Iac. Regis

gis Angliæ, &c. Et quia multa mala et latrocinia perpetravi in hac terra abjur. regnum domin' Jac. Regis Angliæ, &c. & debeo me festinare versus portum de tali loco quem dedisti mihi, et quod non debeo divertere ab alta via : et si faciam, volo quod sim captus sicut latro et felonus Domin' Reg'. Et quod apud talem locum quæram diligenter transilium meum, et non expectabo ibi nisi fluxum et refluxum unum si transit. habere poter. Et nisi tunc spacio abire poter, ibo quolibet die in mare usque ad genua mea, temptans transire, et nisi hoc poter infra xl. dies continuos mittam me inrerim in ecclesiam sicut latro et felonus dom' Reg' ; sic deus Deus adjuvet secundum iudicium.

But it seemeth by the Statute of 22. Hen. 8. that this kind of abjuratiō is taken away; and that it was the R. pleasure that such person who did abjure, should be abjured from all his abjuration to some Sanctuary within this Realm, there to continue during his life, and that he should burne in the right hand with this letter A. to the end he might be known to be an abjured person, and if after he was taken abroad out of the Sanctuary, then he should undergo such punishment as persons abjured did before the making of the said Statute. And if any felon refuse to abjure before the Coroner, he shall loose the benefit of the Sanctuary, by the stat. of 21. H. 8. cap. 2.

This hear you Sir Coroner, that I J. of the County of Ham a Popish recusant and in contempt of the Lawes and Statutes of this Realme of England, I have and do refuse to come to heare divine service there read and preached : I do it refuse according to the true meaning of the Stat. made the xxv. year of Queene Elizabeth late Queen of this Realme.

of England, abjure the Land and Realm of  
King James now King of England, Scotland,  
France, and Ireland. And I shall have me to-  
wards the Port of P. which you have given and  
assigned to me, and that I shall not go out of the  
high way leading thither, nor return back again,  
if I do, I will that I be taken as a felon of our  
said Lord the K. and that at P. I will diligently  
seek for passage, & I will tarry there but one flood  
if I can have passage, & unlesse I can have  
it in such space, I will go every day into the sea  
up to my knees assaying to passe over: so God me  
help and his holy judgement, &c.

Memorand. quod accidit apud E. in Com. S. die  
Sabat. scz. vicesimo die J. anno, &c. quidam R. S.  
super de P. in com. L: yeoman, cepit ecclesiam pa-  
rochiale de P. prædict. pro immunit. et tuitione  
sacro sanct' eccles. in ead. habend. actione diversa-  
m per ipsū preantea factū et petit coron. dom.  
regis sibi abduci. Super quo ego I. W. unus coron'  
com. reg. com. præd. accessi ad ipsū R. in Ec-  
clesia præd. sic existen' & ipsū coram me dict' die  
habat. in Ecclesia præd. fatebatur et voluntarie  
agnovit quod ipse 27. die Ma. tunc ultimo præte-  
rito apud L. in parochia sanct. S. in warda de F. unū  
miserum cū argent. coopertū cujusdam I. B. in  
domo ipsius Libid. existen' ad valen' xxx.s. felonice  
juravit ob quam feloniam petit à me prefat. co-  
ron' regnū Angl' abjurare, super quo tradito ei li-  
bro per me præfat. coronatorem. idem. R. regn. præd.  
coram me præd. die Sabat. in eccles. præd. abjura-  
vit in idem regnū nunquam redditur. absque spe-  
ciali licentia et reconciliatione regni Angl. Et af-  
firmavit eidem R. pro transitu suo extra regnū  
sanctus Donorum cruce in manu sua dextra profit.  
quod lex Angl. est et consuetudo, &c.

## The Office of a Coroner.

Et super hoc ven<sup>r</sup> præd. G. let dic. quod ipse 14 die I. anno. &c. cepit ecclesiam sancti G. apud S. in com. præd. pro diversis felon. per ipsam preantea perpetrat. pro salutatione vite sue & tuitione sacre sancte ecclesie, petique privilegium ecclesie illius. Et quod I. L. et al<sup>i</sup> eidem G. ignot. ipsum ad tunc ibi. extra ecclesiam præd. violent. et contr. voluntatē suā ceper. et abduxer. Et hoc, &c. Et petit restituere &c. Et, &c. ad felon<sup>o</sup> non cul<sup>r</sup>.

Inquisitio Indent. capti apud B. in com. præd. die Martis videlicet 21. die Decembris anno regine dominæ nostræ Elizabeth. Dei gratia Angliæ Franciæ, et Hiberniæ Regine, fidei defensor. &c. xvij. Coram me I. S. gener uno Coron<sup>r</sup> dictæ domine Regine comitat. prædicti. Super visum corporis cuiusdam E. S. generos. ibidem mortui jacentis per sacramentum I. S. &c. Jurat. triat. & onerat. ad inquirendum qualiter et quomodo prædict. E. ad mortem suam devenit, qui dicunt super sacramentum suum Quod I. H. de S. in Comitatu prædicto Yeoman quarto die Augusti, Anno regni dictæ dominæ Regine vicesimo apud B. prædictam in Comitatu prædicto circa horam decimam ante meridiem ejusdem diei, Deum præ oculis suis non habens, sed instigatione diabolica duct<sup>r</sup> & mot, ex malicia sua precogitata felonice felo dict. dominæ Regine. & in super dictum E. in pace Dei et dict. Dominæ Regine existens tunc et ibidem vi & armis insultum et affiniam cit. Et quod prædictus I. H. cum quodam gladio Anglice vocat A Sword valoris quinque solidorum quem idem I. H. in manu sua dextra ad nunc & ibidem tenebat & ad tunc et ibidem prædictum E. S. felonice percussit et cum gladio prædicto dedit eidem E. S. ad tunc & ibidem

nam plagam mortalem super sinistram genu ipsius E. totaliter abscondens quoddam os prædicti genu ipsius E. Anglice vocat. *the panno of the knee* longitudinis quatuor pollicium latitudinis duorum pollicium et profunditatis duorum pollicium, de qua quidem plaga mortali idem E. S. vicesimo die Decembris, anno supradicto apud B. prædictum Comitatu prædicto obiit. Et sic Iuratores prædicti. super sacramentum suum prædictum dicunt quod prædictus I. H. modo et forma prædicta prædictum E. S. felonice et ex malicia sua præcogitata interfecit et murtheravit contra pacem dictæ Dominæ Reginæ coronam et dignitatem suas : Ac insuper Iuratores prædicti super sacramentum suum prædictum dicunt quod prædictus I. H. tempore felonie et murtheri prædicti facti, nulla habuit bona aut catalla terras neque tenementa in comitat. prædicto ad eorum noticiam In cujur. rei Testimonium tam ego præfat. coron. quam Iurat. prædicti. huius Inquisitionis sigilla nostra alternatim opposuimus die anno et loco supradicti &c.

*Per Ioh. S. unum Coronat. diff.*

*Reignæ com. prædicti.*

Inquisitio Indentat. capt. apud H. in comitatu prædicto coram me I. W. generos. uno Coron. domini Regis comitatu prædicti. die Martis, videlicet vicesimo die Ianuarii Anno regni Domini nostri Iacobi Dei gratia Angliæ, Scotiæ, Franciæ, et Hibern. Regis fidei defens. &c. viz. Angliæ, Franciæ, et Hibern. tertio, et Scotiæ tricesimo nono. super visum corporis ejusdem C. B. nuper uxorem D. B. de H. prædicti. apud H. præd. felonice interfecit. adtunc et ibidem mortui jacent. per sacramentum

E 3

proborum



proborum et legalium hominum de villa de H. & trium aliarum villarum propinquarum, videlicet S. N. & C. prout mos est, &c. inquirenda qualiter et quomodo prædictus C. ad mortem suam devenit, videlicet per sacramentum A. B. C. D. &c. ad numerum duodecim ad minus qui dicunt super sacramentum suum quod prædictus C. die anno loco et contra prædictum, circa horam secundam post meridem ejusdem die mortuus fuit in pace Dei et dicitur Dom. Reg. apud H. prædictum ibi venit quidam W. B. nuper de C. in contra W. generum felonice ut felo dicitur dom. reg. insidiando et ex insultu premeditatus contra pacem ejusdem Dom. Reg. coronam et dignitatem suas die anno hora loco et contra prædictum in prædicta C. Magistram suam quæ ad tunc gravida fuit et vicina partui, insultum fecit et eandem C. cum quodam securi vocata hatchet valoris quatuor denariorum quem idem W. ad tunc et ibidem in manibus suis tenuit, super sinistram partem capitis sui felonice percussit dantes ei plagam mortalem de qua quidam plaga mortali eadem C. instantiter obiit. Et sic iuratur prædictus super sacramentum suum prædictum quod prædictus W. B. prædictus C. Magistram suam ad tunc et ibidem felonice interfecit et murtheravit contra pacem dicti Dom. Reg. coronam et dignitatem suas, &c. In cuius rei Testimonium &c.

Inquisitio, &c. super visum corporis cuiusdam I. S. ibidem mortui jacens per sacramentum A. B. C. D. &c. ad numerum duodecim ad minus Iurator trias conseruat ad inquirendum qualiter et quomodo prædictus I. S. ad mortem suam devenit qui dicit super sacramentum suum quod ita accidit apud M. in Comitatu prædicti die, &c. Anno, &c. circa horam, &c. quod ubi prædictus I. S. fuit in pace Dei et dicitur Dom. Reg. apud M. prædictum eisdem die anno loco et hora ibi venit W. L. de M. prædictum et S. T. de S. in comitatu prædicto Yeoman ut felon dicti Dom. Regis et

maliciis suis precogitat. in ipsum I. S. 'ad tunc et  
 ibid. insultrū fecerit et præd. VV. L. cum quadam  
 pugione Anglice a Dagger valoris quatuor denar.  
 quam ipse in manu sua dextra ad tunc et ibid. te-  
 nebat. et dict. I. S. super sinistra partem corporis  
 sui videlicet super asellam percussit usque ad co-  
 rum suū dans ei plagā mortālē, unde idem I. S. in-  
 stanter obiit. et sic Iuratores præd. super sacramen-  
 tū suum prædict. dic' quod prædict. W. L. pre-  
 fatus I. S. 'apud M. præd. modo et forma prædict.  
 felonice interfecit et Murdravit contra pacē dicti  
 Dom. Reg' coron. et dignitat. suas, &c. et ulterius  
 Iuratores præd. super sacramentū suū præd. dic' quod  
 præd. S. T. die anno loco etj hora præd. fuit pre-  
 sence assistunc. abettunc. procuranc. confortanc. et  
 manutenens pefat W. L. ad feloniam et Murdrū  
 præd. in forma præd. faciend. et perpetrand. In ejus  
 rei Testimon' &c.

Inquisitio, &c. ut præd. est qui dic' super sacra-  
 mentum suum quod R. S. nuper de D. in Comita-  
 tu prædict. yeoman decimo nono die Decembris, an-  
 no decimo suprad. vi & armis, videlicet gladiis,  
 &c. in quendam T. C. apud D. prædict. in comi-  
 tat. prædict. cum quodam Candelabro Anglice **with**  
 a **Candlestick** valoris duodec. denarior. quod idem  
 R. in manu sua dextra ad tunc et ibid. tenuit eun-  
 dem T. super caput suum felonice percussit dans ei-  
 dem T. ad tunc et ibidem unam plagam mortal'  
 longitudinis duorum polliciu latitudinis dictæ u-  
 tius pollicis et profunditatis trium polliciu. postea-  
 que scilicet eisdem die anno et loco idem R. cor-  
 pus ejusdem T. ad tunc et ibidē ad terram pro-  
 stravit. manibus genibusque suis tam dire et violente  
 quassavit. Ita quod præd. T. de plaga et quassacione  
 prædict. interiit. Et sic Iurator prædict. super sacra-  
 mentū

mentum suum prædictum dic. quod prædict. R. prædict. T. modo et forma prædict. ad tunc et ibidem felonice interfecit contra pacem dicti domini Regis coron. et dignitatem suas, &c. Et ulterius iurat. prædict. super sacramentum suum prædict. dic. quod prædict. R. tempore felonie prædict. pec ipsum ut prædict. est commiss. nulla habuit bona aut catall. terræ neque tenement. in com. prædict. nec alibi ad eorum notitiam, in cuius rei Testim. &c.

Inquisitio, &c. qui dic. super sacramentum suum quod vicesimo quarto die S. anno, &c. sic accedit quod quidam homo ignotus Deum præ oculis suis non habens, sed instigatione diabolica seductus et motus vi et armis, videlicet gladiis, &c. inter horas septimam et octavam ejusdem diei apud L. in comitatu prædict. via regia ibidem in et super prædict. S. B. ad tunc et ibidem in pace dei et dicti domini Regis existen. felonice ut felo dicti domini Regi, insultum fecit et prædict. homo ignotus cum gladio prædict. valor quatuor denarior, quem idem homo ignotus in manu sua dextra ad tunc et ibidem tenebat prædict. S. B. super pectus suum ad tunc et ibidem felonice percussit idans eodem S. B. ad tunc et ibidem cum gladio prædict. unam plagam mortalem latitudinis unius pollicis et profunditatis sex pollicium de qua quidem plaga mortali prædict. S. ad tunc et ibidem instantiter obiit. Et sic iurat. prædict. super sacramentum suum prædictum dic. quod prædict. homo ignotus prædictum S. B. modo et forma prædict. felonice interfecit et murtheravit contra pacem dicti domini Regis coron. et dignit. suas. Et ulterius iurat. prædict. super sacramentum suum prædict. dic. quod prædict. homo ignotus postquam ipsam feloniam et murtherum prædict. scilicet in forma prædict. fecisset et perpetrasset, fugam fecit contra pacem dicti domini

domini Regis, &c. In cujus rei Testimon' &c.

Inquisitio, &c. qui dic. super sacramentum suum quod predict. H. quarto die Aprilis, anno, &c. supradicto circa horam quartam post meridiem ejusdem diei deum pre oculis suis non habens, sed instigatione diabolica seduct. et motus apud T. predict. in quodam prato ejusdem VV. vocat. Edes meade ad tunc et ibidem solus existens cum uno cingulo corii valoris unius denarii quod ipse adtunc et ibidem in manibus suis habuit & tenuit et unum finem inde circa collum suum ad tunc et ibidem posuit, et alterum finem inde circa truncum cujusdam arboris filicis ligavit et seipsum ad tunc & ibidem cum cingulo pred. voluntarie & felonice suspendit & suffocabat; Et sic Iuratores predict. super sacramentum suum pred. dic. quod predict. H. W. modo et forma pred. voluntarie & felonice ut felo de se seipsum murtavit contra pacem dicti domini Regis coron' & dignitatem suam, &c. Et ulterius Iuratores predict. super sacramentum suum predictum dic. quod predict. H. W. tempore felonie pred. multa habuit bona aut null' in com. ad eorum noticiam. In cujus rei Testimon' &c.

Inquisitio, &c. ut supra qui dic. super sacramentum suum quod predict. A. P. tertio die Octobris anno, &c. supradicto circa horam, &c. Deum pre oculis suis non habens, sed instigatione diabolica seduct. et motus ex malicia sua predogit. apud S. predict. in comitatu pred. ad tunc & ibidem sol. existens in communi rivola ibidem seipsum voluntarie & felonice emergit. Et sic Iuratores predict. super sacramentum suum pred. dic. quod predict. A. P. modo et forma predict. ad tunc & ibidem voluntarie & felonice ut felo de se seipsum

sum occidit murdray. contra pacem, &c. In cuius rei Testimon.

Inquisitio, &c. super visum corporis cuiusdam G. P. ibidem mortui jacen' per sacramentum A. B. &c. Jurat. ad inquirend. qualir. & quomodo præd. G. P. ad mortem suam devenit, qui dic. suprd sacramentum suum quod præd. G. P. quarto die Ma. Anno suprad. apud H. existens ad tunc et ibidem non compos mentis seipsum in unum fontem voluntarie projecit, et sic Jurat. præd. super sacrament. suu præd. dic. quod præd. G. P. ex causa præd. modo et forma præd. ad mortem suam devenit. In cuius rei Testimon. &c.

Inquisitio, &c. super visum corporis cuiusdam H. C. nuper de O. in com. prædict. Husbandman ibidem mort. iacent. qui ante tunc commissus fuit ill' per B. T. Mil' unum Iustic. pac. dict. Dom. Reg. Com. præd. pro suspect. Felon' per sacramentum. A. B. &c. qui dic. super sacramentum suum quod præd. H. G. decimo die Ianuar. Anno. &c. supradict. in Gaola præd. ex visitatione Dei obiit. Et sic Jurat. præd. super sacramentum suum præd. dic. quod prædict. H. G. modo et forma prædict. ad mortem suam devenit et non aliter ad eorum noticiam. In cuius rei Testimonium &c.

Inquisitio, &c. qui dic. super sacramentum suum quod decimo quarto die Aprilis Anno. &c. supradict. apud C. in Com. præd. inter horas septimam et octavam ante meridiem ejusdem die cum uno falcastro Anglice an Axe quod idem L. H. ad tunc et ibm. in manibus suis habuit et cecidit, sed debat et prostravit unū quercum ad tunc crescit

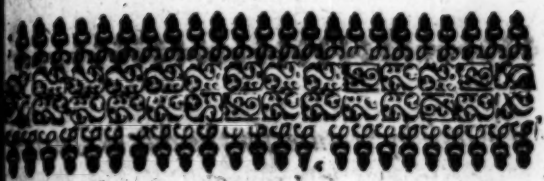
in quodam bosco vocat. le Chise ratione cujus pro-  
stracionis querci prædict. prædictus quercus ad  
tunc et ibidē per infortunium cecidit super caput  
prædict. L. H. dans eadem L. H. unā plagam mor-  
talem longitudinis trium policiū, et profundita-  
tis unius policis, de qua quidē plaga mortali præd.  
L. H. ad tunc et ibidem instanter obiit. Et sic ju-  
ræd. super sacramentū suū prædictū dic. quod L. H.  
modo et forma præd. per infortuniū ad mortē suā  
devenit, et ulterius juratores prædict. dicunt quod  
prædictus quercus est valoris cettavorū solidorū, &  
quod jacet in bosco præd. modo in tenura custodia  
sive occupatione reverend. in Christo patris Thomæ  
Domin. Episc. Winton', In cujus rei Testimon',  
&c.

Inquisitio Indentar. &c. qui dic. super sacramen-  
tum suum quod prædictus R. W. undecimo die  
Octobris, &c. Anno, &c. supradicto apud præ-  
dictum in Comitatu prædicto cundo cum carma  
sua a Redding in Comitatu B. usque Basingstoke  
in Comitatu South. prædict. per viam inter R. B.  
prædict. scilicet apud P. prædictum in Comitatu  
prædict. carma sua prædict. onere suo Anglice his  
said Cart with the loade cecidit super corpus præd.  
R. W. Et ita quassavit corpus suum quod de quas-  
satione ill. prædictus R. ad tunc et ibidem instanter  
obiit. Et sic juratores prædict. super sacramentum  
suum prædictum dicunt quod prædict. R. W. modo  
et forma prædict. per infortunium ad mortem suam  
devenit, et ulterius juratores prædict. super sacra-  
mentum suum prædict. dic. quod ad tunc et ibidem  
tres equi et duo boves cum carma prædict. et onere  
suo videlicet sex sarcinarm lane Anglic six packs  
or farthels of Wooll continen' in se per estimatio-  
nem viginti quatuor pond. Anglice containing in  
them by estimation foure and twenty tods of  
Wooll

VVooll, moverunt ad mortem predict. R. VV. quod pred. tres equi & duo boves sunt pretii 4. & 10. s. & quod pred. carna est valoris xx. s. quod pred. equi boves et carna remanent in custodia W. de P. pred. vid. nuper uxor. pred. R. VV. quod pred. sex sarcine sunt valoris sexdecim librarum, unde dic. duo predictarum sex sarcinarum sunt valoris 4. li. 13. s. 4. d. et remanent in custodia H. P. de B. pred. Clothier et quod al. tres sarcin. predict. sex sarcinarum sunt valoris octo librarum et rem. in custod. T. B. de Ramsey in comitatu S. predict. Clothier, et pred. una alia sarcina resid. predictar. sex sarcinarum est valoris sexaginta sex solidorum et octo denarior. et rem. in custod. VV. B. de R. pred. Clothier. In cuius rei Testimon. &c.

**F F N I S.**





# The Oath of the Sheriffe to the Supremacy.

**I** B. C. doe utterly testify and declare in my conscience, that the Kings Highnesse is the onely Supreme Governour of this Realme, and of all other His Highnesse Dominions, and Countreyes, as well in all spirituall things, or causes, as temporall: And that no forreine Prince, Person, Prelate, State, or Potentate, hath, or ought to have any jurisdiction, power, superiority, preheminance, or authority ecclesiasticall or Temporall, within this Realme; And therefore I do utterly renounce and forsake all forreigne jurisdictions, powers, superiorities, and authorities, and do promise that from henceforth I shall beare faith and true allegiance to the Kings Highnesse, his heires and lawfull Successors, and to my power shall assist and defend all jurisdictions, privileges, preheminencies, and authorities granted or belonging to the Kings highnesse, his heires and Successors, or united, and annexed to the Imperiall Crown of this Realm. So help me God, and by the contents of this booke.

His

*His Oath by Statute for the due execution  
of his Office.*

**Y**OU shall sweare, that well and truly yee shall  
Terve the Kings Mjesty in the Office of the  
Sheriffe of the Countrey of Southampton, and doe  
the Kings profit in all things that belongeth to you  
to do by way of your Office, as farre forth as you  
can or may : you shall truly keep the Kings rights,  
and all that belongeth to the Crowne : you shall  
not assent to decreale, or lessing, nay, to conceale-  
ment of the Kings rights, or of his Franchises. And  
whensoever you shal have knowledge that the Kings  
rights, or the rights of his crown have bin concealed  
or withdrawn, to be in lands, rents, franchises, or  
suites, or any other things, yee shall doe your  
power to make them to be restored to the King  
again : And if you may not doe it, ye shall certifie  
the King, or some of his Councell thereof, such as  
you hold for certaine will say it to the King : yee  
shall not respite the Kings debts for any gift, or fa-  
vour, where you may raise them without great grie-  
vance to the debtors : yee shall truly and rightfull-  
ly treat the people of your Sherifwick, and doe right  
as well to poore as to rich, in all that belongeth  
your Office : ye shall doe no wrong to any man for  
any gift, or other behest or promise of goods, for fa-  
vour nor hate : ye shall disturbe no mans right :  
ye shall truly acquit at the Exchequer all those of whom  
ye shall any thing receive of the Kings debts : yee  
shall nothing take wherby the King may lose, or

wherby

## The Sheriffes Oath.

55

whereby the right may be letted or disturbed, and the King delayed; yee shall truly retorne, and truly serve all the Kings VVrits, as far forth as shall be to your cunning: yee shall not have to be your Undersheriffe any of the sheriffes of the last yeare past; ye shall take no Bailiffe into your service, but such as you will answer for: you shall make each of your Bailiffes to take such Oath as you make your selfe, in that belongeth to their occupation, you shall receive no Writ by you nor any of yours unsealed, or any sealed under the scale of any Iustice, saving the Iustice in Eyre, or Iustice assigned in the same shire where ye be sheriffe, or other Justices having power and authority to make any VVrits unto you by the Law of the Land, or of the Justices of Newgate: you shall make your Bailiffes of true and sufficient men in the County: Also yee shall do all your power and diligence to destroy and to make to cease all manner of heresies and errors, commonly called Lollaries, within your Bayliwick from time to time to all your power, and assist and be helping to all the Ordinaries, and Commissaries of the whole Church, and favour and maintaine them as often as you shall be required by the Ordinaries Commissaries: yee shall be dwelling in your own proper person within your Bayliwick for the time yee shall be in the same office except ye be otherwise licensed by the King; ye shall not let your sheriffes, nor any Bayliwick thereof to any man: yee shall truly set and retorne reason and due issues of them that bee within your Bayliwick after their estate and behaviour, and make your pannels your selfe of such persons as be most next, most sufficient, and not suspect nor procured, as it is provided by the Statutes. And over this, in eschewing and restraint of manslaughters, robberies, and other manyfold

## The Sheriffs Oath.

manifold greivous offences that be done daily  
namely by such as name themselves Souldiers, and  
by other vagrants, the which increase in number  
and multiply so, that the Kings subjects may not  
surely ride, nor go to doe such things as they have  
to doe, to their intollerable hurt and hinderance.  
Yee shall truly and effectually with all diligence  
possible to your power, execute the Statutes, as the  
Statutes of Winchester, and for Vagabonds.  
All these things you shall truly observe and keep  
as God you help, and by the contents of the  
book.



Of the Authority of a  
Sheriffe, and how and in what  
manner he ought to execute his  
*Office in all things that  
are in use.*

THE SECOND BOOK.

**F**irst of all, when he is appoin-  
ted to be Sheriffe, he is then  
Custos Comitatus. & his power  
& authority is very great, as  
hereafter I will set forth and  
declare at large; and at the  
entrance into his office, the  
thing that he must doe, is to goe to the Exche-  
quer into the Kings remembrance office there,  
and to enter into Recognisance there with  
himself, or some for him, for the payment of  
his proffers, at or before mensc Pasche, and  
sint Michael, then next following. That  
his Struener there will write him a  
note, thereby signifying that he is Sheriffe of  
such a County, and that he hath entered Recog-  
nisance for his proffers, the which note the  
Struener must deliver to one of the Ex. Clerks

in the chancery; for his warrant is to make the sheriffs patent by, with his writ of assistance, & a writ of discharge to be delivered to his predecessor, to discharge him out of his Office, the which would be delivered with all speed, for his own benefit or his undersheriffs: for until it be delivered to his predecessor, the precedent undersheriff may do execution of proces. And this being done, then if he be so well provided, he may take his undersheriff with him and go either to a master of the chancery, or to one of the Judges of the assises of that shire, whereof he is sheriff, & take their oathes for the due execution of the said office: or else he must have a Dedimus potestatem out of the Chancery, from the Clerk which made his patent, directed to 2 iustices of Peace of the same county, whereof one must be of the Quorum, to give him his oath in the county; but his undersheriff may be sworn by the Justices of P. whereof one must be of the Quorum, without commission: and until they be thus sworn, they may not intermeddle with the execution of any proces by the Law:

**T**he Sherif at or before the first county court, must take over from the old Sherif his predecessors, all his prisoners and writs, precisely by view and by Indenture to be made between them, wherein all the causes which he hath against every prisoner (at the peril of the old Sherif) must be set forth and declared, or else the new Sherif needs not take any notice of anything that is omitted, & left out of the indenture: for he is not chargeable with it, but the old Sherif as it appeareth of late in a case added in my L. Cokes 3. book of reports, webles case f. 72. against the Sherif of London: in  
although

although they set him over by Indenture, yet they set not over all the causes which they had against him, but omitted an execution, which after was recovered against the old Sheriff by the plaintiffe, & VVesby was set at liberty, & the Sheriff was sans remedy.

At the writs which are set over in the Indenture between the Sheriff, if they have bin executed by the old Sheriff, then they must be returned by him, & indorced under by the new Sheriff thus, I send br e prout indorsatur mihi deliberat. fuit per R. W. milit. nuper vic. Prox. predecess. meum in exit. ab officio suo.

H. C. Mil. vic.

And a Sheriff at the first county court which shal happen to be after his election, & discharge of the old Sheriff must read his patent and his list of assise, & nominate his under Sheriff, the County Clerk, and foure deputies of Bepleins at the least, for the ease of the country, who ought to dwell 12, miles one from another: in every quarter of the county one, to grant respleins when need shal require.

Primus Com. F. P. mil. vic. Com. pred. and so the second Com. the next county court rent. apud Cuth. V Vinton. tali die et an. setting the Kings suit at larg.

South.

Then the bayliffe must make an O. yes, & say this, effoing & proffers ( before the court three times ) pur cest jour. And then say, if any man shal be effoined, or enter any plaints, let them come in, and they shal be heard.

A. B. Effoind. est quia egrotat. vel similia.

A. B. querit. versus C. D. de placit. debit. &c. in illis detent. a. yerior. suor. or de placit. debit. detent. transgress. vel similia, as the case is.

¶ 2

This



## The Office of a Coroner.

This Court ought to be kept every moneth upon a day certain of necessity by reason of the Kings writs of Exigents which must be read there.

And the a<sup>c</sup>tions must be called there as they are in a hundred court or court Baron, & it will not hold plea where the debt or damage is x<sup>l</sup>. unless it be by writ of Iustices out of the Chancery, which is a commission to the Sheriffe to hold plea of any sum whatsoever, & yet it is but in the nature of a distringas, to distraine a man by his goods to answer there to the plaintiffs action; for his body cannot be touched with it by law, nor his lands.

And the like entries, plaints, answers, bars & issues are to be put in there as are used in a hundred court, or court Baron; for this court is but a Court Baron. And although it bee the Sheriffs court, yet the freeholders of the county are the Judges there in all actions: And the Coroners of the County are only Judges to give judgment upon the Kings writs of Exigents, & none else: and if they be freeholders as they ought by the law to be, they are also Judges of their actions: if they be not, they may be removed from their places for lack of freehold, it is a sufficient exception in law to bee taken against them in that case.

And the like proce<sup>s</sup>s or precepts as are made out of a hundred court mutatis mutandis, are to be made out of this court, viz. summonings attachment, and distress infinite.

Election of Knights for the Parliament of Commons & Burgesses, are also made by the Kings writ in open County Court, & the first times when and by whom, viz. by the freeholders

## The Office of a Coroner.

ders of the county, & the knights are to be chosen between 8 & 9 of the clock in the forenoon, sedente cur. And the names of such freeholders as are at the election of Coroners and Wardens, ought to be set down in the county court book, for to testify such election & the Sheriffe is to minister unto the Coroners & the Wardens their severall oathes for the due execution of their offices.

### A Replevin.

Fr. miles vic Com. præd. ballivo Hundred. de H. necnon I. S. ballivo meo hac vice et eorum utrique conjunct. et divisim salutem. Quia VV. P. invenit mihi sufficient. securitat. tam de Claim. suo proseguendo quam de averiis suis, videlicet, uno spadone, tribus equis, &c. quam I. C. cepit et injuste detin' ut dicitur, retor. si retor. inde adjudicatur. id. ex parte dom. reg. vobis et utrique. vestrum conjunct. et divisim mando quod repleg. et deliber. fac. seu unius vestrum replegiar. et deliberar. fac. pref. W. P. aver. sua præd. et quod ponat seu, &c. per vad. et salvos pleg. prefat. I. C. Ita qd sit ad prox. Com. meum apud Castr. Vinton. tenend. ad respond. præfat. VV. P. de placit. capt. et injuste detē aver. suor. præd. & qualic. &c. mihi ad prox. com. meum certificet. seu &c. sub periculo incubent. dat. sub sigill. officii mei ultim. die decembr. an. reg. dō nostr. Jac. dei gratia Angl. Sco. r. Franc. et Hibern. Regis fidei defensor. &c. viz. Angl. Franc. & Hibern. xiv. et Scotiæ quinquagesimo.

*Per me Ric. W. milit' vic.*

And if this Replevin be granted by a deputy to the Sheriffe, then he must set his name to the Replevin thus.

Per me I. VV. unum deput. dicti vic.  
secund. form. Stat.

## The Office of a Coroner.

And if the first Replevin be not executed, then the Sheriff or his deputy may grant an alias Replevin, and so a plur. Replevin, vel causam mihi significes, and after tories quories if need be. And upon all these Replevins there must be a bond of x. l. at the least taken of him to whom the Replevin is granted for his appearance at the next court after, and prosecution of the suit with effect against the taker of the cattle, and to make return thereof, if return be adjudged, the form of which bond and condition thereof must be thus:

Noverint universi per present. me VV. P. de C. in com. South. gener. teneri et firmit oblig. F. P. mil. vic. com. præd. in decem libr bonæ et legal. mont. Angliæ solvend. eidem vic. aut suo cert. Attorn. execut. vel assign. suis: Ad quam quidem solut. bene et fidelit' faciend. oblig. me hæc. exec. et administ. meos firmit. per present. Sigillo meo sigillat. dat. &c: as all other bonds are.

The condition of this present obligation is such, that if the above bounden VV. P. do appear at the next county court to be holden at the Castle of Winchester, and then and there do prosecute his action with effect against I. C. for the wrongful taking and detaining of his cattell, videlicet, of one gelding and three horses as it is alleged. And do also make return thereof if return thereof shall be adjudged by Law, and also do save and keep harmlesse, and indemnified, the above named Sheriff, his undersheriff, and bailiffs for touching and concerning the delivery of the sayd cattel, that then this present obligation to be void & of none effect, or else the same to stand, remain, and continue in force, strength and virtue.

And in this case the taker of the cattel must  
 be the taking as in his freehold, then this court  
 can proceed no further therein, the cause must  
 be removed from thence by the Kings writt out  
 of the Chancery called a Recordare fac' loquelā,  
 directed to the Sheriffe returnable the next term  
 following, either in the Kings bench, or in the  
 Kings Majesties Court of Common Pleas,  
 which the party will, for they are both common  
 Law. but they are more properly belonging to  
 the court of common pleas, and this writt ought  
 to be openly read, & allowed in the said court to  
 the end that notice thereof may be given to the  
 plaintiff in the Replevin, that he may appear at  
 the day of the return thereof, & declare against  
 the taker of his cattel, or else the taker will have  
 a return. hēd. aver, and so put him to sue forth  
 the second deliverance, which is a disadvantage  
 to the plaintiff; for he shal then have no more  
 second deliverance, otherwise he might have a  
 nother. and let the Return for the plaintiff see  
 well to the sealing of the writt of second delibe-  
 rance with Return. hēd. aver. or else it will fall  
 out to be manifest error, & overgrown the cause  
 be it never so just, when it is an exec. because  
 the writt of R. D. is an original writt, but the  
 writt therein shal have no cost, it was the case of  
 Nic. M. Gent. against Tho. Newman in a Re-  
 plevin for an annuity adjudged in the K. bench  
 Term. Trin. ann. xv. J. R.

Now next, the high Sheriffe, will looke for  
 his security from his undersheriff before he will  
 trust him with his office, because he will sleepe  
 quietly and take his repose in safety: & for that  
 commonly he hath bonds and covenants of the  
 undersheriffe and his freinds: that men make

not

of boyd all these bonds and covenants take  
of their under sheriffs, let them look in the Stat.  
5. E. 6. c. 16. And that gentlemens clerks may  
sufficiently know how to execute the office of  
under sheriff: I have taken occasion to set forth  
this book of direction, sufficiently to teach and  
instruct any Clerk that is willing to undertake  
the burden of this office for his master, rather  
then a gentleman of worth shal for a little man-  
hazard his oath, or his credit in his country: by  
this means he had better (in discharge of his  
duty both to God & his prince in the execution  
of his office) keep the office in his house, so that  
he may take a continuall survey of it himself  
then trust a stranger upon bonds & covenants  
with the whole execution of his office, which  
by the Stat. of 23. Hen 6. cap. 10. are thought  
by many opinions to be void or boydable; for  
the words of the statute are these, That no  
sheriff, nor any of his officers nor ministers shal  
take or make any obligation for any cause men-  
tioned in the statute, or colour of their office,  
but only to themselves or any person, or by any  
person which shal be in their ward, by colour  
of the Law, but in the name of their office, & upon  
condition written, That the said prisoners  
shal appear at the day contained in their writ  
bill, or warrant and in such places as the said  
writs, bills, or warrants shal require: & if any  
sheriff, or any of his officers take any obligation  
in any other form, by colour of their office,  
that it shal be void: & in this court there can be  
no loss to the sheriff, if his under sheriff be  
careful to follow the directions here said before  
him, he shal hereby get good knowledge & expe-  
rience & some profit, & his master may give him  
good

had allowance, & yet take sufficient out of the  
 least gains of the office, to paye his accounts  
 to defray part of his other charge, & have  
 his countymen well dealt withal, and gently  
 treated according to his oath, whereas now,  
 as the office is used otherwise by undersheriffs  
 which buy their offices, they pay for it, or else  
 the undersheriffe must go away a begger.

The form an of Indenture for setting over of pri-  
 soners, and writs between two Sheriffes.

**T**his Indenture made, &c. between J. K.  
 Esquire, late Sheriffe of the County of  
 South. of the one party, & Sir H. M. Knight.  
 Sheriffe of the said county on the other par-  
 ty, witnesseth, that the said J. K. by vertue of  
 his Writtes writt of discharge of his late office  
 hath directed, hath delibered and set over to  
 the said Sir H. M. these writs following, viz.  
 Capias versus W. F. return. Oct. Hill, ad sect  
 Andr. Limboni, &c.

Together with the bodies of J. M. in execu-  
 tion at the suite of C. D. for a debt of 22 l. & J.  
 at the suite of C. D. in execution for 2 l. &c.  
 In witness whereof &c.

The forme of an Indenture between the high  
 Sheriffe and his undersheriffe.

**T**his Indenture made, &c. between J. H.  
 of D. in the County of H. Esquire, on the  
 one party, & H. B. of G. in the said county, gent.  
 on the other party witnesseth, that whereas the  
 said J. H. being by the K. most excellent Mai.  
 appointed to be high Sheriffe of the said coun-  
 ty of H. for this year to come, hath upon speci-  
 al licence, confidence, & trust, that he hath &  
 beareth

beareth in & towards the said H. R. promise  
 & granted to the said H. R. the use of the ex-  
 ercising of the office of his undersheriff of the  
 C. together with all fees, fines, forfeitures,  
 bonds, profits, commodities, advantages, cal-  
 icities, allowances, liberties, franchises, con-  
 toynes, leets, perquisites of courtes, and re-  
 emoluments, certain and uncertain whatso-  
 to the office of Sheriff, &c. or undersheriff, &c.  
 belonging, or any wise appertaining, & that  
 ny Sheriff or undersheriff of the said C. be-  
 heretofore justly & lawfully claimed or had  
 have and enjoy during, and by al such time  
 he the said J. H. shall be, remains & continu-  
 high Sheriff of the said C. of this appoi-  
 nment or election nor discharged: in considera-  
 on whereof, the said H. R. covenanteth, & gra-  
 nteeth, and agreeth, and faithfully promiseth  
 him, his heirs, executors, and administrators,  
 that the said H. R. his heirs, executors, or ad-  
 ministrators shall and will discharge, or othe-  
 wise sufficiently save and keep harmless  
 well the said J. H. his heirs, Executors,  
 Administrators, as also his and their, & each  
 of their goods, cattels, lands, tenements, &  
 hereditaments, of & from all and all manner  
 troubles, vexations, suits, actions, inform-  
 ons, complaints, contempts, fines, forfeitures,  
 & merchandises, penalties, pains, sum and sum  
 of money, payable or leivable to or for the H. R.  
 or any other person or persons whatsoever, in  
 any matter or thing to be done in or about the  
 said office, & of and from all losses, hindrances,  
 and damages, that shall or may be lawfully  
 made, stirred, procured, commenced, pro-  
 hibited, prosecuted, happen, or fall, or lawfully  
 arise.



and, Demanded or leuyed upon the said J. B.  
 his heires executors or administrators or of  
 upon his or their, or any of their goods, chat-  
 els, lands, tenements, or hereditaments, for or  
 reason of the said office or Sheriffe, either by  
 misusing, or unlawfull returning, slow retur-  
 ing, or misreturning of any precepts, writs,  
 warrants, or proces to the high Sheriffe directed,  
 to be directed, or for, because, or meanes of  
 any excessive or unlawfull extortion or exaction,  
 taking of any money, or other gaine or som-  
 thing, for the serving or not serving of any such  
 writs, warrants, precepts, proces, or for or  
 reason of any misdemeanour, misusing, or mis-  
 government, negligence, lack of skill, or of ig-  
 norance that shall be in the said J. B. in or a-  
 bout the doing, exercising, or executing of the  
 said office of undersheriffe and the said J. B. for  
 himselfe, his heires, executors, and administra-  
 tors, by these precepts. do covenant and grant  
 and wote the said J. B. his heires, executors,  
 and administrators in like manner to discharge  
 otherwisse to save harmlesse and indemnified,  
 as well the said J. B. his heires, executors,  
 and administrators as also all their goods, & Chattels,  
 lands, tenements, and hereditaments of & from  
 all manner of escapes both wilful and negligent,  
 traytors, felons, and al other of prisoners com-  
 mitted, or to bee committed to his or their safe  
 keeping or charge, in breach of prisons, and of  
 from all fines, forfeitures, amerciaments,  
 sums of money, and penalties that he or they or  
 any of them shall or may incur, beare, pay, or  
 sustaine for any escape or breach of prison during  
 the time of his continuance in the said office of  
 Sheriffe of this appointment, & moreover  
 the

# The Office of a Coroner.

the said H. B. shall give attendance conber  
 requisite upon the R. Courts at Wils. in  
 Judges of Ill. and Ju. of the P. and other  
 missioners and officers within the said Co.  
 whom the said J. H. or the said H. B. in res  
 the said office of sheriffmich ought by the  
 of this Beadme to attend: And further  
 shall within one year next after the disch  
 the said J. H. from his sayd office justly  
 make a perfect account in the R. Exch  
 elsewhere of al the sums of mony, receiv  
 ther things toherewith the said J. H. shall  
 be charged as sheriffe of the said Co. of  
 within the said terme deliver unto the said  
 his heires, &c. a sufficient acquittance of  
 est. And it is further agreed upon by  
 parties to these presents, that every one  
 bailiffs of H. & al other the officers under  
 raffe, shall enter into sufficient band by oblig  
 that they and every of them shall truly  
 diligently deale in, exercise, & execute the  
 fices during the time aforesaid, and if  
 shall refuse to enter band or misdemean  
 self, that then it shall be lawful to & for  
 H. B. in his discretion to place another  
 that office in the roome of such person that  
 refuse or misdemeanor himsele as is afo  
 In witness whereof &c.

The bonds are commonly taken of the  
 sheriffe and his sureties for the performan  
 these covenants, and they are ordinary as  
 other bands are for performan of covenants  
 therefore here needs no pressment for them.

A condition for a Gaoler to enter in to the Sh  
 for the safe keeping of his prisoners.

The condition, &c. Take whereas the

The said Coroner hath at the special instance and  
 request of the above bounden Coroner constituted  
 appointed the said Coroner to be his keeper of  
 prisoners as shall be arrested or attached  
 in any manner of writ, warrant, or precept, made  
 by or in the name of the said Coroner.  
 And if thereto the said Coroner, his deputy  
 or assigne, assigne or assignes, or any of them  
 shall do well and safely keep all such prisoners  
 shall be committed to him or them, or  
 to them, & thereby shall save and keep harme  
 & indemnified, the said Coroner, his heirs,  
 assigns and administrators, at all and every  
 times hereafter, of and from all and  
 manner of escapes of all manner of prisoners  
 shall be committed to the custody, & safe kee-  
 ping of the said Coroner or left under the custody  
 charge of any of his deputies, or assignes, and  
 from all and all manner of judgements,  
 damages, fines, charges, troubles, & incumbrances  
 whatsoever which shall or may hereafter  
 happen to be taxed, imposed, collected, or  
 levied, of or against the said Coroner, as  
 of the Coroner, for or by reason of any  
 escape or escapes as aforesaid: & also if the  
 said Coroner, his deputy, or assigne, shall not dis-  
 pose of set at liberty out of his or their custody,  
 keeping, any prisoner or prisoners which  
 shall or that hereafter shall or may be by the  
 Coroner, or his under Coroner, or deputy, or  
 any of their bailiffs, taken, committed, deli-  
 vered, left in the custody of the said Coroner, his  
 under Coroner, without the speciall warrant  
 writing under the hand and seal of the officer  
 of

of the said Sheriffe in that behalfe first had obtained, that then &c.

A condition for a Bailiffe to enter into,  
to the Sheriffe.

The condition, &c. That whereas the above named **S. B. C.** at the special instance, earntreaty of the above bounden **J. P.** hath authorized and appointed the said **J. P.** to be one of his Bailiffes within the **C.** of **D.** aforesaid in more particular hath committed to his charge the **Pailliwick** of the **H.** of **D.** and **B.** if therefore the said **J. P.** and all such persons &c. and about the executing of such things as shall be given him in charge to doe, and execute the **Wayle** of the **H.** doo, finally &c. execute the said office according to the effect and intent of such warrants and precepts as shall be directed unto him, and come to his hands, from the said named Sheriffe, or from his undersheriffe to be executed, and shall and do upon the view of the warrant upon means proses from the said Sheriffe, take sufficient band with two sureties for the appearance of the def. arrested according to the **Wear**, in that case made and provided, shall safely conveigh or deliver every such person uncanceled unto the said Sheriffe, or his undersheriffe, before such time as the proses whereon the said warrant is made is returnable, and also shall at all times, and from time to time, during the continuance of the said Sheriffe in office of Sheriffe of the said county, be ready attendant both upon the said Sheriffe, and upon his undersheriffe as well as every **Justice** Sessions, as also at every **C.** court to be held

then and there to execute his said office as ap-  
taineth: and also shall well and truly pay, or  
cause to be payed to the said Sheriffe or his un-  
der Sheriffe at the Feast of Easter & S. Mich.  
Archangel now next comming after the date  
here written, all and every such summe and  
summes of money as have been accustomed  
only to be payed to the Sheriffe of the said  
county for the St. Michael's out of the said hun-  
dreds, upon the account of every Bayliffe of the  
said hundreds, commonly called Sheriffes turn-  
over: and to in like manner before the said  
Feast of S. Mich. collect and gather of the inha-  
bitants wold in the said hundreds, all sums of  
money due to his Majesty upon the summons  
of the great seal of the green wax, a sufficient war-  
rant being in convenient time delivered unto him  
for that end and purpose, and do accordingly pay  
the same to the said Sheriffe, or to his under Sher-  
iffe, within one month next after he hath ga-  
thered and collected the same, without robin or  
any delay, That then, &c.

The Sheriffe is to make warrants upon mean-  
ing, or execute them himselfe, which is not  
lawful for him to do execution of all: and they  
are made according to the severall natures  
of the writs, which for the substance will direct  
the way for the forme thereof, and that both  
in many counties, but all to one effect: as  
the county of Southampton thus:

*A general warrant.*

R. F. P. Miles Vicecom. com. præd. ballivo  
Heredi de Houlshot salut. ex parte dom. Reg. ti-  
bando quod capias A. B. si &c. Et cum salvo  
&c.

## The Office of a Coroner.

&c. Ita quod habeam corpus ejus coram H. dom. Reg. apud Westmon. in oct. sanct. Hill. respondend. C. D. de placito debet. **or** **According to the writ.** Et hoc &c. dat. sub sigillo officii mei xx. die Decembris, Anno regni dom. reg. nunc Angl. &c. xiv.

*Per F. P. Mil. Vic*

*A speciall Warrant.*

S. F. P. Miles Vic. com. præd. ballivo huius de H. necnon I. W. et T. B. ballivis meis hac vice coram cuilibet salut. ex parte dom. Regis vobis & cuilibet v. conjunct. et divisim mando quod capiatis seu &c. A. B. si &c. Et eum salvo &c. quod habeam corpus ejus cor. dom. reg. apud West. Iouis prox. post oct. S. Hill. ad respond. C. D. plicet. trans. &c. Dat. &c. ut supra.

xx. die Decembr. anno dom. 1638.  
The barons of the Kings Bench, by their directed. Ret. corā dom. Rege apud Westm. Iouis prox. post quindena Sancti Hill. or if it be of the court of common pleas, then Ret. corā J. d. dom. regis apud West. in oct. sanct. Hill. shall arrest A. B. if he may be found there, my ballivich, to answer C. D. in a plea of trespass, or in a plea of debt according to the writ. Dat. sub sigillo officii mei die et an. suprad.

*Per me I. P. Mil. Vic*

To J. P. & B. S. my speciall ballives in the behalfe, gently and feberately greeting.

And in Perth they use to make their warrants thus upon their mean pices,

Sf Georgius S. Miles & Baronett. [Vices' Com.  
 praed. omnibus ballivis meis, vel omnibus ballivis  
 infra com. praed. tam infra libert. qua extra, necnon  
 B. & C. D. ballivis meis hac vic' tant' intiner'  
 alia' ex parte dom. reg' vobis & cuilibet vr'm con-  
 m'et' & divisim mando qd. capiat. seu, & A. B. si,  
 &c. Et cum salvo, &c. Ita qd. habeam, corpus ejus  
 coram dom. rege, **If the writt come out of the St.  
 Bench, apud West. die Jovis prox. post quinden'  
 sanct. Hilli', but if the writt come out of the court  
 of common pleas, then it is coram Justic' dom.  
 reg. apud West. in oct. sanct. Hillar. ad respond. C  
 de pl' to transf. or debt. according to the writt.  
 Dat. sub sigill. officii mei tal. die & anno, ut supra.**

And this seemes to be the best forme of war-  
 rants to have them serbed; and there they use to  
 make warrants upon all their executions in this  
 forme, save only there is added these words be-  
 fore the teile of the warrant, proviso semper qd. hoc  
 faciens warrant. exequend. est ad periculi querentis  
 & thereupon the pl. will not only pay down  
 the fee for the execution, as much as the statute  
 saies, but also give bond without condition for  
 the saving of the sheriffe harmless of the escape,  
 say should happen to be, onely they will set  
 him under the bond, the cause wherefore the bond  
 is taken, & the bond is taken to a stranger, & yet  
 not questioned, which makes execution to bee  
 the better done, or else the country is so spacious  
 the sheriffe would not be able to do a quarter of  
 his worth. And I see no reason but it may be u-  
 sed in any other county as well as there, & it will  
 make the sheriffes' worth much the easier to bee  
 done, and all things considered the more for his  
 profit.



## The Office of a Sheriffe.

Also they use there to make Warrants upon Capias utlagat. in the like form, and to take bond, with condition to bring the def. to prison, if he be arrested, which makes good execution of the process, and it were good this were used in all countries, then there would not be so much extortion and indirect dealing used by Underriffes and Bailiffes, to the Kings subjects, as there is; for if they take any man upon a Capias utlagatum, they will not only take money of the Plaintiff to take the Defendant, but when they have taken him, for money they will let him go againe, and they will alledge for a colour, that to reverse the outlarie, which they had nothing to do withall. He ought to be brought to prison, and there remaine untill one Attorney or other have reversed the outlarie for him, and not the Sheriffe; for although he be an Attorney, he ought not when he is Sheriffe to practise as an Attorney: but yet notwithstanding they do so, for the market, against the law & the high justice of God, & it is pittie that it is suffered to be unpunished.

## The forme of a band for appearance.

**N**overint universi per present. nos A. B. de C. in Com. South. gener. E. F. de G. in com. prae. yeoman. et H. T. de R. in comit. prae. yeoman. et firmis. oblig. F. P. mil. vic. prae. in com. dragint. libr. bone et legal. monet. Appl. solut. eidem vic. aut suo cert. Attorn. execut. vel alii suis. Ad quam quidem solut. bene et fidelit. faciemus oblig. nos et quemlibet nostr. per se pro tot. et in liti. her. exec. et administr. nost. et utriusque firmit. per present. Sigillis nr. is sigillat. dat. m. c. c. lxxv. anno regni dom. nostr. Iacob. dei gra. Ang.

## The Office of a Sheriff.

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Angl' Scot', Franc' et Hibern' reg. fidei defens  
 &c. viz. Angl', Franc' & Hibern' 14 et Scot' quin-  
 quagesim. annoque dom. 1626.

The condition of this present Obligation is  
 such, that if the aboves bounden J. B. do appear  
 coram Domin. Rege apud Westmon. die Jovis prox.  
 post quinden. Sanct. Hill' if the writ be out of the  
 Kings bench, according to the returne of the  
 writ, but if the writ be returned in the Court of  
 common pleas, then the words in the condition  
 must be for the def. to appear coram Justic' dom Re-  
 gis apud West. in oct. sanct. Hill' or such other re-  
 turn, according to the writ, to answer to C. D.  
 in a plea of trespassse or Debt, as it is in the writ,  
 but then this present obligation to be hold, & of  
 full effect, or else the same to stand, remain, and  
 continue in force, strength, and vertue.

Sealed and delivered for the use of the shobe  
 named Sheriff, in the presence of J. B. and  
 C. D. Two witnesses at least.

The Sheriff before he return any writ into  
 the Chancery, the K. bench, the court of common  
 pleas, the Exchequer, ought to have an Attorney  
 or Deputy in every one of these courts of record,  
 to answer for him by warrant of Attorney. And  
 if any Sheriff do contrary to this ordinance in  
 any point, he forfeits & l. ii. every time, and erible  
 damages to the party grieved: one moiety thereof  
 to the King, and the other moiety to him that wil-  
 le, by a Stat. law made anno 13. H. 6. c. 19.

You shall find in this book good returns for al-  
 manner of writs now in use, here set forth to  
 your view, whensoever you shall have occasion  
 to use them, and also set returns of all your Ex-  
 cheq.

## The Office of a Sheriffe.

they proces, with apt and due forms of all sorts of inquisitions to be returned there, or elswhere, with your proces. And as for the court of wards and liberties, from thence you have but 3, sorts of proces to be answered unto, viz. Extents, Attach, & Liberties upon old extents not discharged, which must be payd half yearly, with 4. s. in the fee of every sum till the debt be payd: and this last will trouble you most, & the other an easier to be returned then executed.

Sheriffes & under Sheriffes ought to receive a manner of writs in any place within the county, without taking any thing, and make them warrant: and if he refuse to do it, if he make not a returne of those writs, he shal be punished, and render damages to the party grieved by the Stat. of 1. E. 3. c. 5.

Also a Sheriffe may arrest men which goe ride armed, and commit them to prison, till they remaine at the Kings pleasure by the Stat. Also Sheriffes & gaolers must receive those indicted or taken with the manner, without taking any thing for their receit, by the Stat. 4. E. 2. c. 18.

Sheriffes must returne sufficient and reasonable pledges upon such persons as have lands or goods sufficient: according to the Stat. of Westminster 1. c. 1.

Sheriffes ex officio may arrest within the county suspicious persons which walk by night, and which are of ill name and fame, by the Stat. of 1. E. 2. c. 4.

A Sheriffe ought to have but one Bailiwick within his county, by the Stat. of 14. E. 1. c. 1.

Sheriffes ought to keepe their Coynes

every yeare, viz. one within a moneth after Ea-  
ster, and the other within a moneth after the  
feast of S. Michael the Archangell, by the stat.  
31. E. 3. c. 14.

Sheriffes must le by their tines and amerces  
sworn by their extraces under the seale of the  
Chequer, otherwise they shall render to the  
party dampned treble damages, and also  
make fine to the King for their offence, which is  
determinable before the Justices at their next  
assise by the stat. of 43. E. 3. c. 9.

Sheriffes ought to returne their pannels for  
the Sessions 4. dayes before the sessions, at the  
hall upon pain of 10. li. & the Bailiffes of liberties  
ought to make return of their Warrants 14.  
dayes before the Sessions at the least, upon the  
same pain, by the stat. of 41. E. 3. c. 11.

Sheriffes ought foure times in the yeare to  
proclaim the Statute of Winchester in every hun-  
dred of his Bailiwick; for it is parrell of their  
duty, yet they never do it.

Sheriffes ought to take the smoordes, daggers  
& weapons from serbants, labourers, & from let-  
tices of artificers and兵夫allers, if they finde  
them bearing of any, except it be in time of war,  
when they travel abroad into the country with  
their masters, or go on their messages, and they  
may keep such weapons untill the next sessions,  
and there present them with the names of those  
that bore them, by the stat. of 11. R. 2. c. 9.

Sheriffes may ex officio apprehend labourers,  
serbants begging and wandering abroad, & com-  
mit them to prison without baile or mainprie,  
but they can take no fees of such persons, neither  
in receipt of delivery of them, upon pain of 4. l. s.  
to the King, by the stat. of 11. R. 2. c. 9.

## The Office of a Sheriff.

Sheriffes, & other of the R. officers, when they have notice of untimely Assizes and Writs, ought to raffe the County, & with all their power to apprehend such malefactors, and commit them to prison, there to remain till due execution of the Law be done upon them, and all Lords, Seignories, and all other the Kings liege people ought to be attendant to the Sheriffes and other officers with all their power and authority herein, by the Stat. of 17.R. 2. c. 8.

A Sheriff ought to dwell within the county in his person, during the time of his sheriffdom, and he ought not to let his Office to farm, bond by his oath, and the Stat. of 4.H. 4. c. 5.

A Sheriff ought to forsee & provide, that neither his Under Sheriff, nor any of his clerks, balliffs, or receivers, be an Attorney in any of the R. courts during the time of his sheriffdom, bond by his oath, and also by the Stat. of 1.H. 5. c. 4.

Every Sheriff ought to proclaim the Stat. of Harbours four times in his year, upon pain of 10. s. for every time failing therein, & he ought also to deliver that to his successor to proclaim upon the like pain, by the Stat. of 1.H. 5. c. 2, but this is never done.

Sheriffes ought to make due election & return for the parliament by the freeholders of the County, & in open County Court & between 8. & 11. of the Clock in the forenoon of the same day by the Stat. of 6.H. 6. s. upon pain of 10. s. and 4. weeks imprisonment without power to make any return.

Sheriffes ought to return upon every process directed unto them from Justices of B. & Judges of forcible entries, upon every Jury twenty shillings issues at the first day, and Justices of

## The Office of a Sheriffe.

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Peace have power and authority to hear & deter-  
mine those faults by bill or indictment, and the  
same shall forfeit for default xx. li. woe of be that  
will sue shall have the moiety, by the Stat. of 8. H.  
6. cap. 9.

And Sheriffes ought to return in English of  
grants in plea of Land of the peerly value of  
four shillings, or in actions for Deeds concern-  
ing lands to such value, and in actions of forty  
pounds or more, such persons inhabiting within  
his bailiwick which can dispend xx. li. per annum  
without all charges, for terme of life at the least,  
or out of ancient demesne, Calvelkind, & Turques  
rents, and upon the first distress x. s. and  
upon the second C. s. and after double issues up-  
on the third, upon paine of x. li. to the King,  
and x. li. to the party grieved, and if there be not  
sufficient persons inhabiting within the county,  
which can expend xx. li. per annum, then they  
shall impanel other persons of the most sufficient  
in possession of peerly value of lands, under the  
value of xx. li. per ann. upon paine of x. li. to the  
King, and x. li. to the plaintife, by the Stat. of 19.  
H. 6. cap. 5.

A Sheriffe may not occupy his office above a  
year, and if he do, he shall forfeit C. li. & be  
disabled ever to be Sheriffe of any county after, by  
the Stat. of 23. H. 6. c. 8.

No Sheriffe ought to let to farme his Coun-  
ty, nor any of his Bayliwicks, Hundreds, or  
Hapentakens, for it is both against his oath, &  
contrary to the Stat. of 23. H. 6. c. 10.

No Sheriffe, Bailiffe of Liberty, nor any other  
shall returne in any pannel of Jurys any  
of his Bailiffes, Officers, or Servants to any  
of his Officers, by the Stat. of 23. H. 6. c. 11.

No Sheriffe, nor any to his use shal take any thing of any person to be arrested or attached, nor for sparing any arrest or attachment, for fine, fee, writ of prison, Painpise, letting to Bail, or for shewing any ease or favour to any such person so arrested, but only for the Sheriffe twenty pence, the Bailiffe which maketh the arrest four pence, and the Gaoler (if the prisoner be committed to prison) four pence, by the Stat. of 23. H. 6. c. 10.

Forfeiture  
x. li.

And a Sheriffe ought to take but 4. d. for the Copy of a pannel, & 2. s. for returne of a pannel, by the Stat. of 27. El. c. 12.

Sheriffes ought to let to bail all persons being in their keeping, by force of any Letter, Writ, or Warrant in any personall action, or upon Inditement of trespass upon reasonable surety, being sufficient in the County so appeare at the day and place, as those letters, bills, or warrants require, except such persons as are in their gaol or custody upon a capias ad satisfaciend. utlagary, or excommunication, or for surety of the peace, or by commandment of any Justices, & vagrants which refuse to serve: vide Dyer fol. 324. He is of opinion that the Marshal of the Kings bench is within the compass of the statute of 23. H. 6. cap. 10. But the Warden of the Fleet, and the keeper of the prison at Westminister are not within the compass of that statute, for they are excepted.

Note, that a Sheriffe ought to take Bond for the appearance of his prisoner with two sureties, having sufficient within the same county, otherwise the obligation is held to be void, & must be made to the Sheriffe by the name of the Sheriffe, and not to the undersheriffe, and there



It be nothing inserted into the condition of the band, but that the defendants shall appear in the Court from whence the writ issued at the day of the return thereof, to answer to the plaintiff in his action. Plo. Commen. f. 68.

It may be inserted into the Obligation, then upon the appearance of the party bound. the plaintiff's bond, par. Mountague chief Justice Commentar. 68. 5. in Manningsham's case there.

A Band entered into by a prisoner, to any person take only to the sheriffe for the enlarging of a prisoner is not good but merely void in law by the stat of 23. H. 6. c. 10. and so it is where a band is taken to the sheriffe by a stranger, for the enlargement of a prisoner that is not bailable, per 23. H. 6. & Dyer 2 et 3. P. et M. fol. 119.

A void band.

A Sheriffe having an Attachment return'd contra dicto Rege et consilio suo in Camera stellat. Westm. in quindecim Pasche ad respondend. Domino Regi & consilio suo de quocumque contemptu, et ad fac' et resp. ulterius, &c. may arrest the party, and takes band for his appearance indorced with such condition, that if the party arrested shall personally appear before the King's Majesty, and his Counsell at Westminster in Quindecim Pasche, and then and there shall answer to a contempt by him committed, that then, &c. It was a question whether this band and condition was good in Law; no, because these words then and there were added unto the condition which was before then the statute of 23. H. 6. would warrant, and it was demurred on in Law; but by the opinions of Dyer and Windham, it was thought to be a good Band and Condition, notwithstanding those words were added, per Mead

Measur of a contrary opinion, But Term Mich. Anno 22. & 23. El. iudgement was given for the plaintiffe. Dyer 364.

Sheriffes ought to take no obligation for any thing whatsoever it be. or by colour of their office but only to themselves. nor of any person living in their custody, but by the name of the person naming himselfe in the obligation, upon the condition that the party shall appear at the time and place in the writ or warrant specified, and any obligation be taken by colour of their office in any other forme it is void. 23. H. 6. c. 10.

Forfeiture  
xl. li.

And Sheriffes ought to take no more but for making of any obligation, warrant, or receipt, by the same law.

And Sheriffes ought to make proclamation when they have received letters for the levying of expenses of the knights of the parliament at the County-court after the receipt of these letters, and the coroners ought to be there to sell the wages upon paine of xl. s. and they ought to sell every hundred at a certain sum by it selfe after every village within the hundred with certain sum: & if they do it otherwise, they forfeit for every default xx. li. and he that sues shall have the moiety thereof with treble damages. 23. H. 6. c. 11.

Forfeiture  
& xx, l.

And every Sheriffe after the receipt of the writ for summoning of the Parliament for Election of knights for the Parliament ought forthwith to make out his warrant under the seal of his office to every Mayor, Bailiffe of Cities and Boroughs within the County commanding them thereby to call Citizens and Burgessees to come to the Parliament: and those Mayors and Bailiffes

And a lawful return of this precept to the Sheriffe by indenture made between them & the Mayor of their election and of their names which are elected: And the Sheriffe must see his hands & seal of Office to one part of the Indentures, & deliver it to the Mayor or Burgeses, or Citizens to be kept, and to the other part the Mayor, and Citizens, or Burgeses must see the Mayor and scales, and deliver it as before to the Sheriffe to be certified & returned by the Sheriffe with a summons to the Clerk of the Court, who will have 4. s. for his fees for every Indenture, as I do take it.

The forme of the Indenture for the Knights  
for the Parliament.

Indentura facta in pleno Com. South.  
tunc apud castr. Wigton die Lune ultim. die  
anno regni, &c. recte the King's Office at  
inter E. P. mil' vic. comit. praed. ex una parte  
H. mil' H. D. arm. & D. B. arm. &c.  
habetis alius person' com. praed. et elector. duorum  
ad Parliament' in bre. huius Indent. contra  
ex altera parte, qui ut major pars votus  
comitatus praed. tunc ibidem existens jurat et ex-  
tendit secundum formam et effectum diversorum  
statutorum inde edit. & provis. elegerunt H. W. & E. M.  
intra com. praed. commemorantes gloriam &c.  
habiles & magis idoneos et discretos dum  
concedentes pro praed. duobus mil' plenam ex-  
tensionem potest. pro se et totum comitatu praed.  
habendum et conservandum, huius quae ad Parliamentum in  
brevis content. de communi consilio reg.  
dom. regis nunc Angl. contingerit or-  
dini super negotiis in dicto brevi spec. In cuius  
Testimonium uni parti in huius Indentura penes dict.  
dominum

dominum regem rentarent. partes predictas  
sua apposuerunt, alteri vero parti ejusdem  
predict. viz. sigillum suum apposuit. dat. die anni  
loco suprad. & c.

*The forme of the Indenture for the  
Citizens and Burgeses.*

**T**his Indenture made, touching the  
the year, and the things stile at large,  
before, &c. witnesseth that by vertue of a  
warrant to me directed from Sir F. P. Knight  
rifle of the county of Southampton, for  
electing and choosing of two Burgeses, with  
good understanding, wit, knowledge, and  
reason, for causes concerning the weale publicke  
this Realme, to be at his Majesty's high  
of Parliament to bee holden at his High  
Court of Westminster, the xxvii. day of  
next coming, J. J. F. Mayor of the borough  
in the County of S. with the whole assent  
consent of the rest of the burgeses there,  
made choice and election of W. M. of the  
Temple Esquire, & W. S. of L. Esquire,  
burgeses of our said borough of S. to attend  
the said Parliament, according to the tenor  
the said warrant to me directed in that behalf.  
In witness whereof I have to these presents  
our common Seale of our said Borough, the  
and yeare first above written.

A Sheriff ought not to execute the office  
Justice of S. during the time that he is Sheriff.  
1. M. C. 4.

Others any may by dissimulation, flattery  
or by any cunning, slight means or practice  
make themselves to bee beloved of any  
town.

man, as maid or widowe, which maid or widowe  
have great possessions, or great store of goods  
money, and to bereave them of it, and to gain  
for themselves, do by fraud gains the possession  
of such woman and do convey and keep them  
in such places where they will not suffer them  
to go from them at liberty to dispose of their  
goods as they will, unless such maid or widowe  
enter into Bond or Statute to pay some  
summe of money, or else bind them from  
marriage with any but to such as they will no-  
tate and appoint; for remedy hereof it is or-  
dained, that the party so bound shall have a writ  
of the Chancery containing al the matter of such  
unreasonable dealing, called a special Suppli-  
ca directed to the Sheriff of that county where  
the wrong is offered, commanding him thereby  
to make proclamation at his next county court  
of the recit thereof, that the defendant appear  
at certaine day and place prefixed in the said  
writ before the Chancelor, or before the Jus-  
tice of Assise of that county, or before some other  
person assigned by the Chancelor; and the Sher-  
iff is bound to execute such writs, according to  
the tenor of them, upon paine of CCC. li. the  
treble thereof is to the King, and the other half  
to him that will sue by Writon of Debt, where he  
shall be of Law. protection or forcaine plea shall  
be allowed by the Statute of 31. H. 6. c. 9.

Upon information made to a Justice of Peace  
or Justices, against any person for retaining  
any person in prison, or against any who  
detained, the Justices ought to make pro-  
cess upon this information as upon a trespass  
or writ of trespass, and the Sheriff ought to re-  
turne no lesser issues in any suit brought here-  
upon

Forfeiture  
CCC. li.

upon againe any person that is sufficient  
20. s. at the first day, upon the distress  
the second day 30. s. and at the third day  
and so at every day after, more by ten shil-  
lins till such time as they receive the  
shillings. 200. s. Ed. 4. c. 2.

The ancient Sheriffs may return by  
 capture that officer during the Termes of  
 Michaelmas Hilary after the year their Of-  
 fence, if they be not before that time law-  
 fully discharged of their Office, 17. E. 4. c. 7.

No Sheriff or any other Officer ought  
to take from any person at request of  
himself or his goods, until the same  
person arrested or imprisoned be duly convicted  
or attainted of the same felony by due con-  
viction, viz. either by trial, confession, or outlaw-  
ry, or by the double value of the  
fine taken to the party grieved, to be recover-  
ed of him, where there is no wager of law, or  
protection by the law. 1 R. 3. c. 3.

Sheriffes which have the custody  
of the Gaole, ought to certify the names of their  
wards which are in their custody for a year  
the Twelfth of the next general Gaole deliv-  
er in a Calendar, upon pain of a hundred li.  
for every default an. 5. H. 7. ca. 3.

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# The Office of a Sheriffe.

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in trespass, or one contract, and if the Sheriffe, or any other of his officers, cause to be made any more plaines then the Statute hath made of Action for, then the Sheriffe or his clerk, being contrary to this act, shall forfeit for every default forty shillings, the money to him well and lawfully to prove the same matter by action or information.

And the Sheriffe shall make sufficient writs, and such plaines entered, but not before, against the defendants, directed to the Warden of the hundred, to attach or waite the best of a party at the next county court, and answer to the plaines, and if there be any default in the plaines in the execution of their offices according to the tenor of their precept, then they shall forfeit xl. s. to be considered thereof by examination of the Justices of Peace or by any other.

And the same Sheriffe, nor his deputies shall take any extrane to levy the three amercedments, nor the Justices of the Peace, whereof one shall be the Quor, have the sight of their books, or extracts to be taken between the Justices of Peace, and the Sheriffe and under Sheriffe sealed with their seals, the one part thereof to remain with the Justices, & the other part with the Sheriffe, his warrant to levy the amercedment. And that those persons that shall be gathered of the said amercedments, shall be sworn by the said Justices that they take no more money for a writ, & certified in their extracts, sealed with the seals of the Justices to the same, upon pain of forfeiture as is above rehearsed, to be made by examination of the said Justices, or one of them, And the same Justices of



of Peace shall be appointed at the sessions holden at Mich. by him that is Custos Rotulorum, or in his absence by the eldest of the Quorum, to have the controulement of the said Sheriffs, Under-sheriffs, Shire-Clerkes and others of their Officers, and the said Sheriffs amerciaunes, and the said Justices of Peace, upon suggestion shall make proces against the Sheriffe, under-sheriffe, shire-clerke, or other officers, to appear before them to answer to such suggestion or information, as is used in action of Trespass, the Stat. of 21. H. 7. c. 15.

Also every Sheriffe upon a Precept so directed from the Justices of Peace to return them a Jurypoiquere of any Riot, or unlawful Assembly committed, shall return four or twenty persons dwelling in the shire, every one of them having xx. s. per annum, of freehold, 26. s. 2. d. per annum, copyhold, or of both, besides all charges, and to return in issues upon the person which make's default xx. s. at the first day, & at the second day xl. s. & if default be made by the Sheriffe, for returning of persons in office, or for not returning of issues in form aforesaid, then hee doth forfeite xx. li. anno 19. Hen. 8. c. 11.

Also if any Riot or unlawful Assembly in any part of the Realme, the Justices of Peace, or two of them at the least, and the Sheriffe, Under-sheriffe, may come with the power of the County if need be, and arrest and restrain the rioters, and these Justices and the Sheriffe have power to record that which they find in their violence against the Law: And such rioters shall be convicted by that Record: And they be gone before the coming of the Justices.

# The Office of a Sheriff.

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and the Sheriff or Under Sheriff, then the same Justices, or two of them ought diligently to enquire thereof within one month after such Writ or Assembly made, & if the truth cannot be found out within one month then next ensuing, then those Justices, or two of them, and the Sheriff or his Under Sheriff shall certify the same, and his Council thereof, and of all the circumstances thereof, in which certificate shall be an indictment of twelve men, whereunto they shall be compelled to answer, anno 13. H. 4. c.

And if the said Writ or assembly be not found by reason of any Imprisonment or maintenance of the said King, then the said Justices of P. & the Sheriff, and Under Sheriff shall and be bound by such certificate that they must make, according to the said Statute of anno 13. H. 4. shall in the same certificate certify the names of the same maintainers and benefactors in that behalf, if any be, with their misdeeds, and that they know, upon paine of every of the said Justice & Sheriff, & Under Sheriff twenty pound, if they have no reasonable excuse upon certifying of the same: which certificate made shall be one indictment in the Law, & every person duly indicted to be a maintainer or benefactor shall forfeit twenty pound, and be committed to prison, there to remain by the discretion of the Justices, Anno decimo nono H.

And that no Sheriff upon Writs and precepts shall send unto him to returne before the Justices, Commissioners, shall returne any person require of any lands or tenements, except the lands or tenements of the yearly value

## The Office of a Sheriffe.

value of xij s. above al charges in the same to be  
upon pain of forfeiture for every person so  
incurred an. 2 s. an. 3. H. 8. c. 2.

Also all pannels put in by the Sherif before  
any Justices of Gaole delivery, or before Ju-  
stices of Peace, whereof one be of the Quorum  
in their own Sessions, to enquire for the same  
may be reformed by putting to, and taking  
of the names so impanelled by discretion of the  
same Justices, and that the same Justice  
Justices shall command every Sherif or  
ministers in their absence to put other persons  
in the same panels by their discretion, & the  
panell so returned by the Justice to be good, &  
any Sherif do not return the same pannels  
reformed, then every Sherif so offending, &  
forfeits xij s. half to him that will sue by action  
debe. bidet, complaint where such shall have  
to be, and no longer of Law, Gloine, or  
session therein to be allowed, tertio Hen. oct.  
an. duodecimo.

Also upon every exigent where writs of  
examination are to be awarded, the same writ  
proclamation is to have the same day as return  
that the Exigent hath, & to be delivered of  
word by the Exigent of every Writ. And  
Sheriff is to make a proclamation that the  
next dayes in his county, whereof one procla-  
mation is to be made at the general Sessions  
those parts where the party is supposed to  
dwelling, there to yield his body to the Sheriff  
the Exigent shall, that that the writ may have  
body as the day of the return of the exigent  
answer to the plaintiff. And that the Sheriff  
of the county that hath such writ of procla-  
mation, Diligence and return the same, &

## The Office of a Sheriffe.

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pay upon pain to forfeit such amercement as by the Ju. before whom the said writs shall be returnable, shall be assessed. anno 6. H. 3. c. 4.

Also Sheriffes which have the custody of Gaules shall make seales to be graven with the name of the Castle that they keep for to give cleale letters for prisoners acquitted to beg for their fees within the hundred where they have been by the space of 6 weeks next after their delivery, and then to go to the hundred where they last dwelled by the space of three years, or where they were born: the Sheriffe shall not suffer such prisoners to beg for their fees, nor to depart out of prison to do service nor labor, unless he deliver to them such letters, and the clerk of the Peace is to make such letters within one week after the Sessions, when such prisoners is acquitted upon pain of 10 s. to the King by the Statute of 23 H. 3. c. 21. & 5. Ed. 1.

Sheriffes ought to keep their county count by mince, if it hath been accustomed to be kept Magna charta c. 33.

The King commands that Sheriffes and their officers which receive his debts, shall account the debtors upon their account when they have received his debts, and then it shall be allowed upon their Accounts in the Exchequer, and the Sherif do otherwise, and be thereof convicted he shall then pay three times as much as he hath received to the party grieved, & also be at the Kings pleasure. Statute. 1. c. 20.

Sheriffes and others which have leyped the debts, & given acquitances to the debtors, and yet do not acquit them it is accepted by the law, that when the Sherif is charged for it in the exchequer, if he come

not in upon the first distress, then shall go on another with proclamation, which must be made in full county, that the defendant do come in a day certain, and acquit the debtor of the money which he is to receive. And if he come not in, then he shall be arrested by default, and the debt assigned upon him as a debt recovered against him in the Kings Court, & the plaintiff shall have therein damages according to the discretion of the Barons, by the stat. of 14. E. 3. c. 1.

And it is the Kings commandement that all sheriffs and bayliffs which have received the Kings debts of the summons of the Exchequer, if they acquit not the debts upon their accounts, that then they shall be punished according to the stat. de Distractionibus Scaccarii c. 1.

And it is ordained that execution of writs which are brought to sheriffs, should be done by the bayliffs of hundreds, tithings and kinreds, and in full county, and not by others, unless those Barons will not or cannot execute them, then they are to be done by other convenient persons or persons sworn by the stat. of Lincoln c. 1.

No sheriff shall suffer a Barrister to make any actions or quarrels in their County courts, nor shall he of great men or others which is not Attorney to his Lord or Man, nor they shall not pronounce judgments contrary unless they be thereto required by all the Justices, V. c. 1. c. 1.

It shall be lawful for every Sheriff, Justice of Peace, & Clerk, to sell to the King all such goods and chattels as Escheat shall be without their charge, & they shall be an account to the King in his Exchequer for the same.

thereof, and to detain & keep the other moiety to his own use, and to pay no fees for the account nor for the charge thereof.

In these Statutes it appeareth what things Sheriffs ought to do by reason of their office, & that they ought to take nothing for doing of their office, but that only that is appointed for them to take by the same Statutes, if they do otherwise, it is extortion in them, & it ought to be enquired of by the Justice or J. and by them punished accordingly.

And it is ordained by the Stat. of 1. H. 4. c. 5. that if any Sheriff do any extortion to the people, & thereof be duly attainted, that he shall be duly punished for the same extortion at the Kings will.

A Sheriff may and ought at his turns to inquire of common nuisances done to all the Kings subjects, but not of assaults made to a sole person, per Martin anno quarto H. sexti, octavo Ed. quarto, quin to Dyer 234.

A Sheriff ought to keep his turns within a month after Easter, and within a month after Michaelmas, and if he keep it any other time after the month, it is void by the Stat. of 17. Ed. 3. c. 9. and all indictments and presentments taken there after the months are expired are void by the Stat. of 38. H. 6.

A Sheriff may enquire of bloodshed in his turn, for if any thing be omitted in a list, it may be inquired of at the Sheriffs turn, for all lists were devised & taken on the day of the Sheriffs turn, Pasch. 8. E. 4. 29. E. 3. 27. 43. E. 3. et 30. 30. E. 3. f.

And all the Justices were of opinion that a Sheriff hath authority to inquire of all things in his Turnes that is either trespass or felony

at the common law, except of the death of man, but he cannot inquire of trespass or felony by the statute in his turn, 28. E. 3. 95. 21. E. 4.

If a Sherif inquire of Rulance in his turn, and it is there found, which should have been inquired of in a leet: now the Sherif cannot distrain for his amercement; for if he do he is a trespasser. But if default be in the Lord of the Leet for that he did not inquire thereof, it seemeth then that the Sherif by the Lords default may enquire thereof in his turn, 28. E. 3. 95. 29. E. 3. 27. 10. H. 4. 21. E. 3. 3. If a man have a fair or a market by grant or by prescription, he doth not keep his fair or market as he ought to do, the Sherif may enquire of this in his turn.

Upon a presentment of a Rulance in the Sheriffs turn, the offender shall be amerced, then the Sherif may distrain for that amercement. And if a Surpresture be presented there, the Sherif may abate it or return it, Pasc. 25. E. 3.

It appeareth by Master Britton, that all the Freeholders and Terre-Tenants inhabiting within the Hundred, ought to come to the Sheriffs turn, none excepted, but Knights and Clerge men, their wives and children. And there twelve at least of the sufficient Freeholders within the hundred ought to be summoned and sworn to inquire & present all things there inquirable & presentable, and all the rest which appear there, ought to be sworn by the Dozeners and villagers to present to the said twelve all such things as shall be given them in charge, and it seemeth that the Sherif ought to keep his turn in every hundred within his county, & there punish all things that have bin omitted at the leet and into Dozen there.



## The Office of a Sheriffe.

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Also by the same Law, it seemeth that they ought to enquire there of petty treasons, homicides, rapes, robberies, burglaries, and of all manner of felonies by the common Law, and of all other things inquirable at a Lieet, according to the Stat. of 18. E. 1. de Vic. Franc. Plig.

And when the Dozeners and villages have delivered their presentments to the said Jury, or the Jury when they are agreed of their presentments, then they must give up to the Sherward or court keeper such presentments as they will find so, and above, and if there be any of felony, they must deliver up these by themselves to the Sherward publicly and the rest openly.

But this court is now almost out of use since Justices have used to sell both their Sheriffwicks and bayliwicks to men of mean estate that will not regard the good of the common wealth, but altogether their own private gain and profit, whereby the King is many times much wronged & defrauded. Between the Sheriff and the Bayliffes, of all the waifes, strales, and felon goods, which are taken up by the bayliffs, are never accounted for, which may touch the Sheriff in his credit and reputation, for when he cometh to his account for the payment of the Kings debts, he is then faine to answer and account for all waifes, strales, & felon goods, losses, perquisites and profits which he is never known of, because those ancient courts were kept as they ought to be, and therefore he may dispence with his oath therein to his confusion.

There is a writ in the Registra, fol. 172, whereby a Sheriff may remove all his bayliffs & hundred, wapentakes, & things, & Sheriffs which

which have not lands or tenements sufficient within the County. And the Sheriffs bailiffs or year, ought not to be in that office in those years after by the statute of 11 H. 5. c. 4. because by their continuall being in the office, they grow so cunning, that they are able to deceive both the King, the Sheriffe, and the county.

And Sheriffs bailiffs ought to be sworn to the supremacy, and to exercise their office duly and truly by the statute of 17 Eliz. cap. 12.

The nature of Executions, and of how many sorts they are.

They are of six sorts or degrees, viz. upon a Statute Merchant, a Statute Staple, a recognisance, an elegit, a Capias ad satisfaciendum, and a fieri fac' and a Sheriffe cannot lawfully break any mans house to do execution upon any of these justifiably, except the King or a party, for domus sua cuique est tutissimum refugium, as hereafter shall appear. If a man be bound in a Statute Merchant, execution shall be done thereof thus: First, a Writ of Certiorari must be sued forth of the Chancery, directed to the place where the Statute was acknowledged to certify the acknowledgment of the Statute, to the petty bag officer in the Chancery, & upon that certificate that goeth a Capias against the body onely, *filiaque sic*, returnable to the Court of common pleas, or in the Kings bench. And upon the return of that, with the writ of that writ to whom it was directed, *quod si cum est, si non est inventus in balliva sua*, then within a quarter of a year after shall goe

Exigent against all the cognisors lands, & goods, & against his body, and for your better satisfaction herein see the Statute de Mercatoribus 37. H. 6. fol. 6. & Fitzh. 130. G.

A Statute Staple must be certified in the like manner as a Statute Merchant, and upon that shall go forth a writ of execution both against body, land, and goods, returnable in the Chancery in the petty bag office there, and also in the Court of Common pleas, or Kings Bench, as the writ of execution upon a Statute Merchant shall: and upon the returne of this writ such lands and goods as are taken in execution shall be delivered to the cognisee, by the Sheriff by another writ called a Liberare, & not by returne note that altho the said Statute lands, which the cognisor had the time of the acknowledgment of the said Statute, or at any time after, are liable to both the said Statutes, but no Inhabited land, but during the cognisors life, nor copyhold land, nor no goods, nor leases for less than years, but such as the recognisor hath in his own use and possession at the time of the Statute done, Fitz. 131. D.

Item that if a Statute Staple be returned and the cognisee can have no Liberare into another county, 2 R. 3. fol. 7.

Upon a recognisance there shall not goe out a Capias, but Scire fac, returnable in the Chancery, & upon the return thereof they do use to award a Capias, a Fieri facias, or an Elegg, at the choice and election of the cognisee. 48. Edw. 3. fol. 20.

By an Elegg the Sheriff may take in execution one 4<sup>th</sup> part of the land of the cognisor, and all his goods, prater boves & alios de caruca sua.

**Sut. 3.** Capias ad satisfaciendum is only against the body, which the Sheriff must be sure to keep safe, or else he may perhaps pay the debt, if the prisoner do escape (either with his leave or consent, after that he is once in execution, for then the Sheriff hath small remedy or none at all, if he do escape against the Sheriff's will, and without his consent, then the Sheriff may take him again, if he can find him, by the same way before the return thereof, or by another after, though it be in another shire, so that he be looked with fresh suit, & taken again before the action brought by the plaintiff against the Sheriff, for the escape, howsoever the Sheriff in this case may have his remedy against his prisoner by his action upon the case, if he be able to make him satisfaction, other wise he may lose his body, and his prisoner in this case shall not be delivered by super sed. upon audita querula, because he cannot take any benefit of his return. But otherwise it is when a prisoner escapes with the consent of the Sheriff, or gaoler, for then he shall have and maintain if he will an Audita querula against a Sheriff or a Gaoler as it appeareth in my L. Cokes 3. book of Reports. f. 43. & 44. in Baytons case there.

And in my L. Cokes said 3. book of Reports, it is resolved for Law, that if a Sheriff upon the time of his Office, having divers persons in his custody, and after a new Sheriff is chosen to his place, in this case it behooveth the new Sheriff to take notice at his perill of all the executions which are against any person which he findeth in the Gaole, and that is a matter of necessity for in that case there is no man in scrum nam to deliver the prisoners unto him.

Also in the same case it is resolved, that if a Sheriff dye in the time of his office, and before another be appointed to that place and office, a prisoner which was in the prison in execution, remains in the prison, and so is at large, this is no escape, and the reason is there alleadged, because when the Sheriff dyed, all his prisoners were in the custody of the law untill a new Sheriff was chosen, and set in his place. And therefore although the prisoners be in the interim out of the walls of the prison, yet the law hath the custody of them, and preserves them in execution without any fresh suit made after them where-ever they be, & they may be fetched againe in execution at any time after if they can be found, and no escape in this case can prejudice the plaintiffe.

Note also that if a prisoner dye in execution before payment or satisfaction made to the plaintiff for his debt for which he is in execution upon a Capias ad satisfaciend. in this case the plaintiff shall have an Elegit against the defendants lands & goods, if he have any lands, in fee simple at or any time after the judgment was had against him or any goods at the time of his death: & it is in Blountfield's case in the 5. book of Sir Edw. Cokes reports, f. 87. & Fitz. na. br. 1446.

Also when a man is in the Sheriffs custody by the process of Law, and after another writ is returned to the Sheriffe against the body of him which is then in his custody, the Sheriff in this must be answerable for his prisoner, although he do not arrest him by the second writ, by the judgement of the Law; for Lex non praecipit inutilia: And this in Frosts case in the 1st book

book of Reports, fol. 89. and with this agree  
7. H. 4. 10.

If a Capias, viz. a mean process be executed  
and returned, the arrest is tortious, & a time  
for the arrest is made to the end that the party  
should appear to answer the pl. in his own  
due in all cases of execution, except an Elegit,  
the execution be duly done, although the party  
be never returned or paid, it is no great matter  
if the plaintiff have his demand, for then  
he hath no cause to proceed any further therein  
but in case of an Elegit, because the execution  
be made by an inquest, & not by the sheriff's  
alone, that ought to be returned, or else it is  
nothing worth, as it appeareth in Hoes case  
in the 1. book of Reports, fol. 90. and by Fulke  
case in the 4. book. f. 61.

Also it is resolved in Seymans case in the  
1. book of reports f. 91. that a mans house is  
him his Castle, as well for his defence against  
injury and violence, as for his rest and repose,  
and that a Sheriff cannot iustifie the breaking  
of any mans house to execute a Capias  
satisfaciendum, or a fieri fac. but if he do  
it is at his peril, and he is therein a trespasser,  
the King be not a party; for domus sui  
antissimum est refugium: but if the King be  
party, then the Sheriff may iustifie the breaking  
of a house to do execution of his Process,  
he cannot otherwise execute his process,  
and he ought to make request to open the door  
by the Stat. of West. 1. c. 17. & 41. of the  
placit. 17. If he break the doors when he may  
enter, otherwise, yet in the said Seymans case  
resolved, that a Sheriff upon an habere fac.  
finem, or possessionem may break a house and  
detain

what reason & possession thereof to the plain-  
 and the reason therein is, because that after  
 judgment, it is not the defendants house in right  
 and judgment of Law.

Also whether it be for felony or violation of  
 law, the Kings officer may break another  
 mans house to apprehend a Thiefe, & that for  
 two reasons, viz. one for the good of the Com-  
 monwealth, & the other is for the service and  
 duty which he owes to his Prince; for in every  
 thing the King hath an interest, and  
 where the King hath an interest, the writ  
 is A non omitt. propter aliquam libertatem,  
 and therefore the liberty or privilege of any  
 mans house will not hold against the King,  
 where the King hath no interest, but on-  
 ly a common person. A Sheriffe although he  
 may request to open the doores, and perusal to  
 have, if he should then break them, and so  
 not undo execution, thereof might arise  
 some inconvenience, that men in the night as  
 well as in the day, should have their houses  
 broken upon any faigned matter; for although  
 the Sheriffe be an Officer of great authority  
 and trust, yet it appeareth by daily experience  
 that all of the most part of the Kings  
 business, are executed and served by Under-  
 sheriffs and Bailiffs, which most commonly  
 are persons of small value and account. And  
 the authorities which do prove that when  
 the process do concerne the King, that the  
 Sheriffe mayther break the house of any Sub-  
 ject to execute them if otherwise he cannot ex-  
 ecute them, implyeth that at the suit of a com-  
 mon person, the house cannot be broken in illi-  
 cely, and with this resolution agreeeth the  
 book

book in 6. Edw. 4. fol. 9. *¶* fieri facias is only  
gainst the goods & chattels of a man, as  
able goods, or leases for yeares, and the  
has need to be very careful how, and after  
manner he doth execute this writ, lest he  
his fingers; for if the goods or leases  
he taketh in execution be not the defendants  
own goods, or leases, although he may find  
in the possession of the defendant which is  
best colour in law to prove them his, if he  
them, & taketh the profit and benefit of them,  
appeareth in Twynes case, in 11. Edw. 4.  
book of Reports.

*¶* Also sometimes it hath fal out that the goods  
and chattels which a sheriffe upon such a writ  
taketh in execution are not the defendants,  
then the sheriffe is a trespasser to the owner  
the goods, as if the lands be pawned to the  
tenant, they are none of his till the day of  
redeeming of them be past, 34. H. 8. Pledges  
38. et 4. E. 6. dist. 7. so if a man bona fide  
lease of his oxen for yeares, and after is  
demanded in a personall action, these oxen during  
the time shall not be taken in execution, 2. E.  
f. 10.

*¶* In debt where three are bound jointly, and  
severally, & three judgments are had against  
them, in this case if execution be done against  
one of them, the others shall have a supersedeas  
in trespass against three, execution against one  
of them sufficeth not, and the same Law is in  
joint debt, 4. El fol 39.

*¶* If goods taken in execution upon a writ  
found to be none of the defendants, then the  
sheriffe shall pay damages to the owner of the  
goods, to the value of the goods so taken, and



of suit, although he hath replevied them to the plaintiff in execution, or if he hath not replevied them to the plaintiff, if he have returned the writs, that he hath taken so much goods of the defendants, and that he hath denarios illos cum ad reddend. to the plaintiff, then he is at a small mischief; for although the value of the goods be recovered against him by the owner of the goods, yet the plaintiff in the action may within the year after execution done, have a writ facias upon the judgment & return, & thereupon compell the Sheriff to bring the money into the Court; and after the year he may have an action of debt against the Sheriff for it, if he be not otherwise ordered by the Court where the judgment is depending. And therefore in this and the fore-cause for the Sheriff, is either to take the goods until the parties are agreed, by which take good security of the plaintiff to be bound him, and to save him harmless, & to stay the recovery of his writs, until he may be well advised what to do therein; for if he take a bond of the plaintiff, it is questionable whether it be good or no in law, and not within the compass of the Stat. of 27. H. 8. to be taken color, officis sed non iure.

It is resolved in Mittons case in my Lords Case 4 book of Reports. fol. 33. & 34. that both the County C. and the Bail are appertinent & belonging to the Sheriffs office, and ought not to be severed, no more then the Sheriffs turn from the office, and it was the opinion of Poph. and Alder the 1. L. chief Justices, and with that according to the Judgment of the Parliament, an. 1. 3. c. 10.

Now next I will say something as concerning

ning a Sheriffes account. which will trouble him most of all, if he be never so skilful, for it is so tedious & so chargable, for if he goe into his office, he will goe nigh to be stripped out of it in paying exchequer fees, and extraordinary charges which he cannot see by experience hath taught me. & therefore I maye helpe as I thinke but by an act of parliament, & therefore it is no marvel that the Sheriffs make ship-wrack of their consciences to catch what they can to save themselves, that which they had before they entered into office, for what between some of their high ricks & betwixt some in taking money for their fees, and extortion, shewed to them and their families upon ever light and small occasion, the extreme taking of ordinary & extraordinary fees of each man, a peece. Under which is stripped out of al that ever he hath or can have, if he do not bring so, as he maye be still in debt every year, as a fox is stripped out of his skin and yet felts of none will pity him, for in the court where he is called in question, the name of an undersheriff is so odious, and many times not without iust cause, that oft times an honest man is to be condemned to be a knave, before he heard speak for himself; nay he is so odious (I meane a lewd extorting Undersheriff) that a Cheefe by the Kings generall pardon receiveth more labour than he can; for a Cheefe thereby pardoned of al felonies, for the which he might have the benefit of his Clergy, although he cannot read, but all misdemeanours committed by an Undersheriff, are commonly excepted out of the generall Pardon, which is somewhat harsh, that all shall be condemned

Some; for there is never an Officer the King hath, taketh more paines, and undergoes more perils, and doth the King better service, than an honest understanding and a carefull Underheriffe doth, but commonly these do dye beggers, by reason of the causes before alledged.

The entrance into the Sheriffs  
Accompt.

First in Hillarie Terme next after they are sworn of Office, the high Sheriff and Underheriffe of most Shires are sworn to yeeld and give a true and a true account to the King and his Officers in the Exchequer of the Kings debts, which they shall bee charged withall, by the great wax of the Exchequer, and of all waifes, fines, and felons goods, which happened within the compasse of their office, and of all other profits whatsoever due and belonging to the King, and chargeable by them to answer for by reason of their office. as much to this effect. And when this is done, the high Sheriff commonly takes no further care, because he thinks himself secure, by reason of his security which he hath of his Underheriffe, for thereupon he relies, and seldom or never remembers what may be back taken, and so commits all to his Underheriffe, then if his Underheriffe be a careful and an honest man, and have skill and regard to do his best endeavour to levy the Kings debts, and to pay them into the receipt duly and orderly, as they ought to be, then the high Sheriff may bee well enough, and therein discharge his Oath and his duty, but if otherwise, a

3

And,

feind, or an ignorant Underheriffe, may both  
 undoe his high Sheriffe, and himselfe, both in  
 this world, and in the world to come, by totting  
 & nichiling, that is, in charging or discharging  
 unorderly, unhonestly, or ignorantly, for if it be  
 totted, that is, charged, though it can never be  
 levied, it will now hardly be aboyded, but it  
 must be paid, and if it be nicheled, if it be issued  
 Jurozs though they be never so bad, and can  
 not be levied, between the old Sheriffe which  
 turned them, and the new Sheriffe which  
 chiled them, they must be payd, though it be  
 ten yeares after, if there come no pardon in the  
 meane time, by an old Statute law made in the  
 27. yeare of Edw. 1. and to prevent this, it be-  
 chooveth all Sheriffes before they take upon them  
 to returne any Jurozs, to get them a perfect booke  
 of all the sufficient freeholders names in the  
 shire, and especially of all which dwell in the  
 gildable, howsoever they be of those which are  
 in liberties, but of both is best, that the one may  
 help the other, and to returne them or none that  
 be none freeholders in the gildable, lest by the  
 said Law they be enforced to pay their wages  
 for them, which is a thing very hardly to be  
 brought to passe, unless the Justices of Peace in  
 every quarter of the Countrey, doe cause the  
 Countables and Tassiffes to bring a true certi-  
 ficate thereof to the first quarter Sessions that  
 shall be holden in the shire after the election of a  
 new Sheriffe, to be delivered unto him then,  
 and this will hardly be done, unless the Judges  
 of this or every shire will be pleased to write  
 their letters to that end & purpose to the Justices  
 of Peace of every division.

Now next the Underheriffe shall goe to the

huren Apposer, and with him he must either tot,  
 nihil, or set ober into liberties all the debts and  
 summes of money contained in the Summons  
 of the green way, and in the Extracts of the P.  
 of the Co. where he was under sheriffe, wherein  
 he must be very carefull what he doth, lest he do  
 that which he cannot undo again, and to pre-  
 vent the danger thereof his best way is to ex-  
 amine his book which he is to make of all the  
 charge contained in his Summons and scedula  
 before and with the Bailiffs of the shire to have  
 their direction, which are good debts and which  
 are not, and which are in liberties and which are  
 not, if he himself do not know it, before he  
 come to his account, and then make his book ac-  
 cordingly, and then he shall be the better able to  
 perform the duty of an honest man, when he  
 comes to his Apposalls but herein if the Sher-  
 iff know not well the Country, and the Kings  
 shew himself, he is many times abused by  
 the Bailiffes, who most dishonestly, will mis-  
 lead him, and so by bribes and rewards, which  
 they take of the Freeholders, will tell him that  
 they are either long since dead, or nothing worth,  
 when as they are living, and very sufficient, and  
 they will also serve him so with the Recognisan-  
 ces, and by that means dishonest Bailiffes do  
 cause Sheriffes to deceive the King of many of  
 the debts by their ignorance against their wills,  
 trusting of the reports and informations of  
 their Bailiffes, and this cannot be helped un-  
 less the Sheriffes will levy the s. many them-  
 selves, which they cannot possibly do. by reason  
 of other businesse, or had trusty servants a-  
 bound them to do it truly, and honestly, without  
 favourance of the country as it ought to be.



A

Particular of the ordi-  
narie Charges of the Accompt  
*the Sheriffe of the County of South.*  
hampton, heretofore used  
to be payd, as followeth.

Termin.  
sancti Hill.  
C. fo. Puri-  
ficationis,  
when he  
entreteth in-  
to his Ac-  
count.

**I** Nprimis, to his Returney in  
Mr. Osbornes office, for his  
warrant of Returney. 11s.

Item to him for his fees,  
and I cannot tell for what  
else. xxs.

Item to his man for his fees,  
vi. s. viii. d.

Item to another in that office for entering of the  
warrant. xii. d.

Item to the puny Bailon for ministering of the  
oath, 11s.

Item to the Cryers and Tipstaves there, xx. s.

Item to the Marshal then and there, vi. s. viii. d.

Item to the foren Apposer for his fee. 11s.

Item to his men, xx. s.

Item to the Clerk of the Extracts for his fee. xx. s.

Item

- Item to his men, x. s.  
 Item to his Return of the Pype for his fees, v. l.  
 Item to his man for his fees, xx. s.  
 Item to the Deputy of the Pype for his fees, xxiii. s. iij. d.  
 Item to the Controller of the Pype for his fees, xxviii. s. vi. d.  
 Item to his man for his fees, x. s.  
 Item to Master Orms of the Pype for his fees, xxii. s. vi. d.  
 Item to the Baron for the appoell upon the summons of the Pype, x. s.  
 Item to him for his fees for the vicontels, v. s.  
 Item to his man for his fee for the same, v. s.  
 Item to his Return in the Kings remembrance for his fee, iii. s. iij. d.  
 Item to his man, iii. s. vi. d.  
 Item for a Writ of Assistance from your Return in W. Osborns office, v. s. vi. d.  
 Item to the Master of the Pype for his fee, xxviii. s. v. s. Termino  
 Item to the Master of the Wardrop for his fee Pasche, v. l. xi. s. ix. d.  
 Item to him for a Tally to have thereby an allowance given for it, xvi. d.  
 Item for buying of that Tally in the Pype, iii. s. iij. d.  
 Item for Master Elsons fee for the Forrest of Masbeare in Hampshyre, ii. l. x. d.  
 Item for the Earle of Pembroke fee for Burgh wall in the new Forrest in the said County, ix. l. ii. s. vi. d.  
 Item to Sir Will. Kingsmill for his fee and reparations of Freemantle Parke in the said County

County.

xxix. li. xlii. s. sh.

All these five last payments are allowed upon the Sheriffes account, out of the Kings money, which otherwise should be payd to the King.

Item to the forren apposer for his fee for allowance of Justices wages to the Sheriffe upon the Extracts of the Peace.

xl. s.

Item to his men for their fees,

xlii. s. lb. d.

And herein the Sheriffe of the said County is wronged by the Clerke of the Peace of the said county; for the Clerke of the Peace there receiveth all the fines, and payes the wages, and if there be any surplussage, he puts it up in his own purse, and the Sheriffe payes it to the King and never hath it, because the fines are all certified in the Extracts of the Peace, and many times the fines do exceed the wages of the Justices which are allowed to the Sheriffe for the wages, for he is allowed but lb. s. a day a peere for eight Justices, and therefore accounting the fees which he payes to the Officers in the Exchequer for his allowance, he is a great loser by it, and the Clerke of the Peace goes away with the gains, therefore this would be rempeded.

Item to the forraigne Apposer for casting up of the debet upon the scedules of the green wax.

b. s.

Item to the Auditor assigned for the shire, for declaring of the account.

x. li. at the least.

Item to the Returny of the pype for gibing allowance of the Justices wages, before allowed by the forren Apposer in the Sheriffes account.

xlii. s. iii. d.

Item to him for gibing allowance of Elstons acquaintance,

vi. s. viii. d.

Item



Item to him for the foot of the Accompt, xxviii. lb. d.

Item to his man for his pannes taken therein, x. s.

Item to the Baron, for declaring of the account, vi. s. viii. d.

Item to his man for his fee, ii. s.

Item to his attorney in the Exchequer remembrancers office for examining of the account, v. s.

Item to one of M<sup>r</sup>. Osbornes office for receiving of the account, vi. s.

Item for copies of the seizures which the Sheriff makes himself in his peer in M<sup>r</sup>. Osbornes office, commonly at the least, b. l.

Item for copies of the new seizures on the King rememb. side, according to the number of them, but commonly they come to about xx. s.

Item you must leave with your Attorney in M<sup>r</sup>. Osbornes office in part of payment for making your petition upon your account, for they will cost you lb. s. a pece, and you may perhaps have x. li.

Item for another writ of Habeas there b. s. vi. d.

Item for entering the biem of the account in M<sup>r</sup>. Osbornes office. vi. s. lb. d. Termino Trinitatis.

Item in the Alienation office for viewing of the account, and for a note of the charge there, lii. s. lb. d.

Item if the Sheriff take the benefit of a general pardon, then he must go to the Clerk of the Exchequer to have schedules made of al such issues as are pardoned, and they will cost him for every schedule (as I remember) xx. d. which may come to lb. s. ii. s. thereabouts.

## The Office of a Sheriffe.

Item to the Clerk of the Extracts man for his  
paines therein, xlii. s. viii. d.

Item then to a Baron for allowing of them, xlii. s. viii. d.

Item to the Barons man, xlii. s. viii. d.

And this must all go out of the Sheriffes purse  
without any allowance: and it is better then to  
oppress the country when they may be eased by  
the pardon: for if the Sheriffe levy any, he must  
pay it into the receipt or else he is forsworn.

Then if you carryed any prisoners by writ of  
commandement from the Judges of assise, you  
must go to the chief Judge of assise for his war-  
rant, & get your allowance under his hand as  
good cheape as you can; for some of his men will  
have money of you for it, x. s. at the least.

And then when you have his hand to it, you  
must goe to the Chancelloz of the Exchequer  
for his hand to it, and his man will looke to  
have for his paines therein taken at the least,

x. s.

Also in the Alienation office it will cost you for  
making of the bond and acquittance, with the se-  
dules of seizures against those that have sold land  
held of the King without licence of alienation,

xl. s. viii. d.

Item for a warrant for a day to finish the Ac-  
count untill Mich. term which now will hardly  
be gotten without extraordinary labour, xl. s.

Item to the Attorney in the Pipe office, for  
setting off from the Account of Amercements,

xli. s.

Item to his man for his paines therein to be ta-  
ken, xli. s.

Item paid for discharging of the Amercements  
in Walter Osbornes office, xli. s.

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# The Office of a Sheriffe.

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- Item for a warrant to set off, and discharge in  
Henry Fanshawes office, xlii.s. vii. d.
- Item for another writte of Assistance, v. s.  
vi. d.
- Item to the Marshall for liberty if the Sheriffe  
cannot goe thow to with his account in Trinitie  
Termes, lv. l. vii. s. viii. d.
- Item to his man, vii. s. viii. d.
- Item to Waster Osborne for ruling of your pe-  
titions, xli. s.
- Item to his Atturney in the said Office for  
making the petitions, v. l.
- Item to his man for his paines taken therein,  
xli. s.
- Item to the Waster of the Pype for his fee,  
xlii. s. iij. d.
- Item to the Controler of the Pype for his fee,  
xxx. s.
- Item to his man, xlii. s.
- Item to your Att-of the Pype for his fee, v. l.
- Item to his man, xlii. s. vi. d.
- Item for the Acquittances of two tallies in the  
role, ii. s.
- Item for striking of those tallies, iii. s. iij. d.
- Item for copying and allowing of another tal-  
le for payment of a debt de remanent. compoti,  
v. s.
- Item to two Auditors for casting up of a she-  
ffes account in the Court when he is to be cast  
out of the Court, x. s.
- Item to the Baron then, xx. s.
- Item to his men, vii. s.
- Item to the Marshall then, vii. s. viii. d.
- Item to the Tipstaves and Clerks then, x. s.
- Item to the Clerk of the Pype for Recusans,  
xxx. s.
- Item

Item for allowing and toying of the tally to  
Recusants debts,

Item to the Baron for respects for Recusants  
debts.

Item to the Clerke of the Pipe for Recusants  
for allowing of that warrant.

Item to the Master of the Pipe for the same

Item to the bag bearer,

Item for the Quietus est to the Sherifes Treas-  
ury of the Pipe.

Item to his man for his paines taken therein

Item for the Quietus est for the Recusants,

Communis aliis quæ nunc præscribere longum  
est. Et sic quietus est.

Summa totalis, &c.

All these sums are payd, besides all his charges  
and fees which he layes out and disburses  
in the yeare that he is to Sheriffe, which comes  
to a great deale more, as experience will teach  
him.



Returne



# Returna Brevium.

## *Returna Summon' Assisas.*



Virtute istius præcepti mihi di-  
 recti venire feci coram Justici-  
 ar infrasc. ad diem et locum  
 infra content, omnia Brevia  
 Assisarum Jurator. certifica.  
 in Com. S. infrascript. coram  
 quibuscunque Justic. tam per  
 dicta breviam domin. P. et M. nuper Regis et Regi-  
 az Angliæ quam per dicta breviam domin. regis  
 nunc, una cum Pannellis, Attachiamētis reattachi-  
 amētis et omnibus aliis, adminucl. Assisar.  
 Juratas, et certificationes illas qualitercunque tan-  
 gen. venire feci etiam coram præfat. justiciar. ad  
 Gaolam dicti domin. regis Castri sui Winton. de  
 prisonibus in ea existen. deliberand. assignand. ad  
 præfat. diem omnes prisonēs in gaola prædict. ex-  
 isten. una cum eorum Attachiamētis, reattachia-  
 mētis et omnibus aliis adminiculis prisonēs illos  
 qualitercunque tangen. et de vic. cujuslibet villæ et  
 loci ibidem felon. unde iidem prisonēs indict. ap-  
 pell' sive arrestat. existunt intem. fuer. tam infra li-  
 bertates quam extra xxiiiij probos et legal. hominēs  
 quibus rei veritas melius sciri poterit et inquiri; Et  
 qui prison. ill. nulla affinritat. attingunt una cum  
 quatuor

quatuor hominibus & preponit villæ et loci eorum  
ad faciend. ea quæ tunc ibidem hiis ex part. domini  
regis nunc injung. publice etiam proclam. feci per  
totam Ballivam meam quod omnes illi qui seque-  
voluerint vers. prison. illos qd tunc sint ibi  
vers. eos prout justum fuerit prosecut. Scire feci et  
tiam omnibus coron. Iustic. pacis seneschalis doct.  
magnat. & ballivis libertat. & hundr. com. præ-  
dict. quod tunc sint ibidem cum rotulis record. indi-  
cament. et alijs memorand. suis ad faciend. ea quæ  
ad officia sua pertine. prout interius mihi præcipi-  
tar.

Resid. executi. istius præcepti. patet in quibus  
scedulis huic præcepti annexat,

R. O. Ar. Vic.

And the warrants which the sheriffe must make  
by vertue of this Precept for the summoning of  
the Justices to the Bailiffes of Libertyes, and  
Bailiffes of Hundreds must containe in them  
the whole substance of this Precept, but whether  
it be in Latine or English, it is not materiall  
so that it be in due forme: And it is needfull  
that the Sheriffe keep for himselfe a particuler  
note of the names of such persons as he nomi-  
nateth in his warrant to be summoned to serve  
in the grand Jury, and not to leave it to the dis-  
cretion of Bailiffes to put in and out whom they  
list in that service.

*The forme of a warrant.*

ff. **R**obertus O. Ar. Vic. com. prædict. bal-  
libertat. de C. vel. ballivo hund. de A.  
salut. virt. ejusd. præcepti mihi direct. tibi man-  
do qd ven. facis cor. L. T. et L. H. Iustic. Assis.

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in comitatu prædict. ad assisas apud Castrum Win-  
ton. decimo die Augusti proximo. tenend. seperals  
person subscript. ad faciend. ea que tunc et ibidem ex  
parte Domini regis nunc eis injungetur. Publice  
etiam proclam. facias per totam ballivam tuam quod  
omnes illi qui sequi voluerint versus prisiones in  
regula Domini Regis comitatu prædict. quod tunc  
ibi versus eos prout justum fuerit prosecutur.  
Scire facias etiam omnibus coron. justic. pacis se-  
nechalibus dominorum & magnat. quod tunc sint sibi  
cum rotulis recordis indictamentis & aliis memo-  
randis suis ad fac. ea quæ ad seperal. officia sua per-  
tinent, Et quod tu ipse sis adhuc et ibidem ad facien-  
dum omnia ea quæ ad officium tuum pertinent. una  
cum hoc precept. sub periculo incumbent. dat. sub si-  
gillo officii mei tali die et anno, &c.

R. O A r. Vic.

Then here at the end of the Warrant under  
the Sheriffe must be down the names and  
dwelling places of such as he will have warned  
to serve in the grand Jury in particular, & keep  
a note of them, that he may be able to shew to  
the Court, if need shall require, who he had de-  
termined to have returned for that service if they  
had come, and if the fault fall out to be in the  
Balliffs, then he shall be punished, and the Sher-  
iff excused.

*Reverendia, summ. Sessionum pacis.*

**V**irtute istius brevis mihi directi veniri feci  
cor a Justiciariis, infrascript. apud castrum Win-  
ton infrascriptis. die anno & loco infrascriptis.  
omnes Constabularios & Ballivos hundred  
infra

infra Comitatus. specif. necnon de quolibet dictorum  
 libertatum & Hundred. vigint. quatuor Jurator. ad  
 faciend. ea quæ eis ex parte domini regis ad tunc  
 & ibidem injungentur, ac etiam scire feci omnibus  
 Constabulariis et Ballivis Hundred. Comitatus. in-  
 frascript. quod tunc sint ibi habentes secum omnia  
 nomina artificum laborat. et servient. husbandre infra  
 hundred. præd. vad. contra formam statuti inde exco-  
 sive capiend. ac insuper sufficient. proclam. feci infra  
 Ballivam meam quod omnes illi qui tam pro Do-  
 mino rege quam pro seipsis versus hujusmodi artifi-  
 ces laborat. et servient aliquas querelas juxta formam  
 statuti ordinationis præd. conquæri vel prosequi vo-  
 luerint, quod tunc sint ibi billi suas prof. justiciam  
 que ibidem subiter si sibi viderint expediri, prout in-  
 terius mihi præcipitur.

R. O. Ar. Vic.

South.

**The Plaintiff must begin in the same form as**  
~~the other~~ quod venire facias coram Justic. dom. regis  
 ad præd. in com. præd. apud, &c. omnes Constabul  
 &c. according to the substance of the matter con-  
 tained in the writ, and to conclude it as the other  
 is concluded.

*Return disti brevis aliquando utitur sic.*

**E**ccurro istius brevis pater in quibusdam Pannel-  
 lis huic brevi consuet. vel annex.

R. O. Ar. Vic.

*Return brevis original. in debitu vel transgr.  
 si defend. sit insufficient.*

Plcg. de prof.

{ L. Doo.  
 { R. Roo.

Infra-



Infranominat. H. B. & C. D. and if there be  
Defendants then two, then you must name  
one, & ceteri def. infra nominat. nihil habent  
in balliva mea per qd sum. possint, if it be debt, but  
if it be in trespass, then it must be per qd attach.  
possint, or potest, if it be but against one defen-  
dant.

R. O. Ar. Vic.

Return' de capias al' & pluris.

Infranominat. A. B. non est invent. in Balliva  
mea, & si sunt tres, tuac sit et ceteri defendent. in-  
franominat. non sunt invent. in balliva mea.

R. O. Ar. Vic.

These Writs are seldome or never used to be  
returned by Sheriffes; for Returnes do use to  
return themselves with the leave and sufferance  
or consent of Sheriffes, other wise they cannot  
obtain the setting of the Sheriffes name to their  
Returns.

Return' de Exigent.

V Irute istius brevis mihi directi ad comit.  
meu tent. apud castr. Winton. in comit. S. in-  
script. die Lunæ, videlicet decimo die I. anno  
regni Domini regis infrascript. xv. infranominat.  
& ceteri defend. infranominat. (if there be  
more two) primo exacti fuer. et non comparuer.  
ad com. meum S. ibidem tent. die Lunæ, videlicet  
decim. die A. anno prædict. prædictus J. C. et  
ceteri defend. infranominat. secundo exact. fuer.  
et non comparuer. ad comit. meum S. ibidem tent.  
die Lunæ, videlicet, decim. die S. anno prædict.  
præd.

## The Office of a Sheriffe.

Præd. J. C. & cæteri defend. infranominat. tertio exact. fuer. et non comparuer. ad com. meum S. ibidem tent. videlicet, duodecimo die O. ann. prædict. præd. I. C. et cæteri defend. infranominat. quarto exact. fuer. et non comparuer. Et ad Com. meum S. ibidem tent. die Lunæ, videlicet tertio N. anno prædict. prædict. I. C. et cæteri defend. infranominat. quinto exact. fuer. & non comparuer. ideo prædict. J. C. cæteri defend. infranominat. per iudicium J. W. & W. R. gen. coron. dicti dom. reg. com. præd. secund. legem & cons. regni dom. nostr. regis Ang. utlagat. sunt & quilibet eorum utlagat. est.

R. O. Ar. Vic.

*Retorna brevi de exigend. cum supersed.*

**V**irtute, &c. Ad com. meum S. ibidem tent. die Lunæ, viz. 20. die A. ann. præd. prædict. I. C. quarto exact. fuit et protulit mihi brevis dom. regis de supersed. et est huic brevi annex. per eund. ad executionem istius brevis ulterius faciend. super sed. omnino, prout mihi in eodem brevi præcipitur.

R. O. Ar. Vic.

*Retorn. de exigent. ubi unus reddidit se omnes al. non comparuer.*

**V**irtute, &c. Ad Com. meum South. ibidem tent. die Lunæ, viz. x. die A. prædict. prædict. J. C. et ceteri defend. infranominat. quinto exact. fuer. ad quæ diem prædict. I. C. Comparuit & se reddidit prison. dom. regis castri sui Winton. quidē corp. cor. Justic. infrascript. ad diē & loc. infracont. parat. habeo, prout interius mihi præcipitur, sed ceteri def. infran. non comparuer. ideo, &c. supra.

Lang.

# The Office of a Sheriffe.

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*Languide in prifona fuper reddite fe.*

**A**D com. meum. &c. præd. I: B: comparuit, et se reddidit prifona Dom. regis Caſtr. fui Winton. infra com. S. præd. et in eadē prifona modo remanet, languidus varijs infirmitatibus detent. Ita quod propter corporis fui debilitat. & mortis periculū carriari non poteſt, et ea de cauſa corpus præd. I: B: coram Juſt. infraſcr. ad diem et locū infracont. ad præſens habere non poſſum juxta form. hujus lre.

*Retorn de Exigent. ubi unus redd. ſe al  
proſert. ſuperſed. tertius mort.  
& quartus waviat.*

**V**irtute. &c. ad Comit. meū S: ibm. tent. die Lunæ, viz. 10. die a. anno præd. I: H: S: R: A. C. et D. P. quinto exact. fuer. et præd. R. S. ſe reddid. prifona dom: regis caſtri fui Winton. in com. præd. cujus corpus Juſt. infraſcr. ad diē et locū infracont. parat. habeo ad faciend. id qd breve præd. in ſe exigit et requirit. Et præd. D. P. protulit mihi breve dom. regis de ſuperſed. huic brevi annex. ideo quoad eum ulterius procedere non potuit et præd. I: H: mortuus eſt et præd. A. C. waivar. eſt, ideo per judic. I: W: et W: R: coron. dō. regis com præd. præd. I. H: unlagat et præd. A. C. waivar. eſt.

R. O. Ar. Vic.

*Retorna de allocat.*

**A**llocat. illi quatuor com. ad quos infranom. A. T. C. exact. fuit et non comparuit. et ulte. virtute illius brevis ad com. meū tent. apud caſt. wint. in com. S. infraſcr. die Lunæ viz. 8. die N. anno regn. dom. regis infraſcr. ang. &c. 15. præd. T. quinto

quinto exact. fuit et non comparuit. ideo per iudicium, &c. ut supra ulagat. est.

*Retorna. de exigent. inter duas vic.*

**V**irtute istius brevis mihi direct. ad Com. meum South. tent. apud Castrum Winton. die Lunz viz. x. die A. anno regn. dom. reg. Angl. &c. infrasc. xv. infranominat. R. K. primo exact. fuit et non comparuit.

R. O. Ar. Vic.

Istud breve prout indorsatur mihi deliberat. fuit per R. O. Ar. vic. com. infrasc. prox. predecess. meum in ejus exit. ab officio, Et ad Com. meum South. tent. apud Castrum Winton. prae. in Com. prae. die Lunz viz. x. die D. anno prae. reg. R. K. secund. exact. fuit et non comparuit, &c. ut supra.

Et si deficiunt coron. ad com. ad reddend. iust. tunc vic. retorn. brevis sua sic viz. quod ob defectu I. W. et W. R. coron. dom. Regis com. prae. ulterius proceder. non potuit, and then upon this return the Coroners will be sued for every vic. unless they can make a good excuse.

R. O. Ar. Vic.

*Retorna brevis de proclam.*

**V**irtute istius brev. mihi direct. ad Com. meum South. tent. apud Castrum Wint. in Com. South. infrasc. 21. die Mart. anno xi. infrasc. proclam. feci. Et ad maxime usualement ostium ecclesie de B. infrasc. super diem dominicum scilicet decimum diem April. an. reg. domini regis infrasc. Angl. &c. duod. immediate post divinum serv. nulla predicatio eadem Eccles. a tunc ibidem existens uno mense ad minus antequam infrasc.

ma.

# **The Office of a Sheriffe.**

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min. W. quinto crast. fuit proclam. feci, et ad gen<sup>er</sup>  
ral. Session. pacis tent. apud Castrum VVinton.  
pred. in comitatu prad. 3. die Ma. anno 12. suprad.  
in partibus de B. prad. al. proclam. feci quod in-  
franom. A: B: se reddat mihi prout interius mihi  
precipitur.

R.M. Mil. Vic.

*Retorn. brevis de cap. utlag. inter duos vic.*

**A** Nte advent. istius brevis I. M. ar. nuper Vic.  
Com. S. capit infranom. T. D. et in prisona  
Dom. Reg. infrafc. Castri sui Winton. in com.  
S. prad. penes se detinuit virtute cuiusdam brey.  
dist. Dom. Reg. de capias ult. dicto nuper vic  
direct. quem quidem T. D. dist. nuper vic. una cum  
dicta brevi mihi I. D. Mil. modo vic. Com. S.  
prad. in ejus exit. ab officio suo deliberavit, cujus  
quidem corpus cum brevi prad. ego praf. nunc vic.  
cora Iust. infrafc. ad die et locu. infracont. parat.  
habeo ad faciend. et recipiend. qd dict. breve in se  
exigit et requirit.

R.O. Ar. Vic.

*Retorn. brevis original. in partitione.*

Pleg. de prof. f. Iohannes Den.

Richardus Fen.

Sum. infranom. R. B. f. W. H.

& f. uxori ejus. f. I. F.

R.O. Ar. Vic.

*Retorn. brevis original. in convention.*

Pleg. de prof. f. I. Doe.

f. R. Roe.

f. I. D.

Sum. infranom. f. Den.

f. Fen.

I.O. Ar. Vic.

Retorn.

K 2

## The Office of a Sheriff.

Return' de sum' in dete.

nom: VV

Pleg, de prof. I. Doo.

© R. Roo.

1871

Sum.infranom. { I.W.  
I.W.D.

Vol. V, 1894, M. H. C. W. D.

Et ad ostium Ecclesie parochialis de Pubi infr.  
nominat. A: B: super diem dominicum, scilicet  
quarto die Iulij an. infrascript. immediate post  
vinum servitium nulla predicatione ad tunc ibi  
existent. publice proclam. feci secund. form. statuti  
prout istud breve in se exigit et requirit.

...and the ...

R. O. A. V. K.

... ..

Return, de sum, in vasto.

Pleg, de prof. } I Doo, de ...  
} R. ...

7 K. 000. 001 17, 000 000 00 000

Sum. infranom. S. L.P. Ioh. Den.

San Francisco, Cal. Feb. 1887

Pls. in fol. 1. Johannes D.

Et ulterius ego R: O: Ar. Vic.com. infrasc. Ins.

# The Office of a Sheriff.

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## Retorn. de Pleg.

Pleg. de prof. C. Iohannes Den.

R. Richardus Fen.

Infranom. A. B. Ioh. Den.

attach. est per pleg. viz. | R. Fen.

## Retorn. de petit Cape in Dower.

Virtute, &c. tali die & anno cepi in manus Dom. reg. infrascript. tertiam partem tenementor. infrasp. cum pertjn. prout interius mihi precip.

R. O. Ar. Vic.

## Retorn. Brevis de visa in Dower.

Iustic' infrascr. certifico quod virtute istius brev' mihi dire. et hab. feci infranom. A. B. visum de tertis parte tenementorum infrasp. in præsens N. C. R. D. W. B. et C. D. quatuor Mil' ex illis qui Vic. ill. interfuerunt. Et ulterius certifico quod dixi quatuor Mil' præd. quod sint coram Iust. infrascr. ad die & locū infra content. ad testificand. visum illū pro ut per breve præd. mihi præcept.

R. O. Ar. Vic.

## Retorn. de sum. de Assisas.

J. Doo.

Pleg. de prof. | R. R. O.

Infranom. W. L. nihil habet in balliva mea per quod attach. potest nec est inventus in eadem.

Alia. ubi est Attach.

Infranom. VV. L. attach. est per unam vaccam pretii 30 s.

K 3

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## The Office of a Sheriff.

If the party appears not, his com is forfeit, and the sheriff shall be answerable for the value & therefore he had need either to keep the goods attached, or else to have security to be given harmless therein.

Resid. executionis istius brevis patet in quodam pannello huic brevi annex.

Nomin. recogn. Assise nove disseisin iur. M.C. qu. et T.C. tenent A.B.C.D.&c.

N. Sum. recogn. p. ad. } I.H.  
& eorum cujusslibet } R.S.

Return. sum. mil. Parliamenti.

Virente istius brevis mihi direct. sum. sect. A.B. Milit. unum Mil. de com. meo gladio cinct. per B.T. & C.R. qd sit cor. Iustic. infra ad diem et locum infra content. prout istud breve in se exiguit et requirit.

Return. de sum. Parliamenti.

Executio istius brevis patet in quibusdam indenturis huic brevi annex.

Infranominat. } Iohannes Doo.

A.B. } Richardus Roo.

Exit. \_\_\_\_\_

Return. de sum. in Assise.

Pleg. de prof. } Johan. Den.

} Rich. Fen.

I.N.

Sum. infranom. } Ioh. Den.

} R. Fen.

Resid.



Resid. execution. istius brevis patet in quodam  
panello huic brev. annex.

R: O: Ar: Vic.

Nomina vigint. et quatuor milit.

Richardus M. de N. Ar.

T. B. de Ar. &c.

Sum. Iur. prae. H: H:

S. S.

Nomina Iur. primae Inquisitionis in brev. huic  
panello annex. spec.

E. M. gen.

H. E. gen. &c.

Pleg. prae. Iur. pri-  
mae Inquisitionis.

Thomas Pit.

V Villiel. Fir.

Return. de resumption.

Execution istius brevis patet in quadam scedula  
huic brevi annex.

R. O. Ar. Vic.

Nomina Iur. 24 Milit. unde in brevi huic sce-  
dula annex. sit mea.

R. M. de N. Ar.

T. B. de M. R. &c.

Quilibet Iur. Iur. em 24. Milit. prae. separatim  
resum. est per H: R: et M: N: bonos sum.

R: O: Ar: Vic:

Return. de accedas ad Cur.

Virtute istius mihi direct. informa infra. &  
in plena Cur. ill. recordari feci loquelam in fra-  
script. et recordum illud prout patet in scedula hic  
huic brevi annex. habeo cor. iussic. infra. ad  
diem et locu infra content. sub sigillo meo et sigil-  
lis

## The Office of a Sheriffe.

lis T.B.&c. quatuor proborum et legaliū hominū  
de balliva mea ex illis qui record. ill. interfuer. Et  
partibus infra scr. diem illum præfixi qd tunc fore  
ibi in loquel. il. prout justū fuerint prosecutur. pro-  
ut interius mihi præcip.

R.O.Ar.Vic.

*The stile of the Court Alton.*

Richardus T. miles ibi tunc. 30. die Mart. anno  
&c. recitand. stile del roy.

It S: queritur versus W.W. de pl' caption et iniuste  
detention. averiorum sororum.

*The Bailiffes retorne of his warrant  
to the Sheriffe.*

Virtute ipsius præcept. mihi direct. accept. me-  
cum R.S.&c. quatuor discret. mil. hund. de A. præd.  
accessi ad Cur. R: T: mil. et recordar. feci loquelam  
quæ est in eadem Cur. inter J.S. quer. et W.W. del.  
Et record. illud pat. habeo sub sigillo meo et sigillis  
præd. quatuor Mil. ejusdem cur. ex illis qui record.  
ill. interfuer. et partibus præd. eundem diem præfixi  
prout mihi præcept. fuit. In cujus rei testimon. tam  
ego R: F: ballivus hund. præd. quam præd. R.S. &c.  
4. legal. mil. hund. præd. præsent. sigilla nostra  
apposuimus.

R.O.Ar.Vic.

*Retorn. de Recordare.*

Virtute istius brev. mihi direct. in pleno com-  
meo tunc apud Castrum VVinton. in com. South-  
ampton. infra scr. tali die et anno recordari feci loquel.  
unde interius fit mentio, quæ quidem loquela  
patet in quadam scedula huic brev. annex. Et  
recordum illud habeo coram Iustic. infra scr. ad  
diem

## The Office of a Sheriffe.

et locum infra content. sub sigillo meo & sigillis W. H. E. R &c. quatuor proborum et legalium Mil. ejusdem com. ex illis qui record. ill. interfuer. et partibus infra scr. die il. præfixi qd fuit ibm. in loca illa prout iustum fuerit prosecutur. prout iterius mihi præcipitur.

Resid. excc. istius brev. patet in quadâ scedula huic brevi annex.

R. S. queritur versus T. E. de placito caption. & impulz detentionis averior. suorum.

R. O. Ar. Vic.

*Return, de fieri feci sur fieri fac.*

Virtute istius brevis mihi direct. fieri feci de bonis et catall. infranominat. I. H. quandam Dimissionem et concessionem eidem I. H. per quendam T. G. Gener. per Indentur. suam fact. per termino 31. annorum incipiend. a primo die Iul. Annò, &c. infra script. secundo prout per Indenturam illam gerent. dat eisdem die et anno plenius liquet, & apparet de et in uno mesaugio sive firma cum pertinentiis icituar. facent. et existentia in parochia de F. infra ballivam meam vocat. de cognit. per nomen de B. simul cum omni- bus & singulis terr. pratis | pa scuis bolcis subbolcis | et pasturis cum omnibus suis pertinen- tiis scituar. facent. et existen. infra vill. paroch. & campos de P. predict. et O. scilicet in ball. mea. et predict. Dimissionem, ac omne et totum statutum titulum terminum annorum pos- sessionem et demand. quæ predict. I. H. modo ha- bet de & in predict. præmissis virtute sive vigore ejusdem Dimissionis et concessionis aut aliter ven- dition. exposui et vendidi cuidam P. H. generos. pro

## The Office of a Sheriff.

Pro summa 76 l. 13 s. 4 d. ac etiam fieri feci  
 alijs bonis et catallis pred. I. H. ad valenc.  
 6 s. 8 d. quas quidem denar. summas sic in fore  
 Pred. per me levat. in toto sic attingunt ad  
 133 l. 13 d. et easdem summas coram dom.  
 ad diem et locum infracontent. parat. habeo ad  
 dand. infranom. E. P. et I. uxor ejus in parte  
 fact. damnorum infrasc. prout per breve fistud  
 terius mihi precipit. Et quod pred. J. H. nulla  
 five plura bona aut catalla in balliva mea habet  
 unde resid. pred. deb. 165 l. 6 s. 2 d. fieri five  
 possum secund. exigens hujus brevis.

R: O: Ar. Vic.

*Aliter sur nihil habet.*

Infranom. R: B: mil. null. habet bona seu cat.  
 terr. aut tenement. in balliva mea, unde denar.  
 fraspes. fieri facere possum prout interius mihi  
 cipit.

R: O: Ar. Vic.

*Aliter sur fieri facias exeat, et  
 vendition. exposuit.*

Virtute istius brevis mihi directi fieri feci de  
 nis et catall. terr. et tenement. infranom. R. H.  
 valenc. CCL et illis de die in die vendition. ex  
 et inde vendidi ad valenc. C l. quas quidem  
 lib. ad diem et locum infracontent. parat. habeo  
 reddend. infranominat. J. W. prout interius  
 precipit. Et resid. bonor. et catall. pred. adhuc  
 me remanent. invendit ob defect. emptorum.

R: O: Ar. Vic.

# The Office of a Sheriffe.

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## Retorn. de Tarde.

Mud breve adeo tarde mihi deliberat. fuit, Ita  
propt. tēporis brevitat. exequi non potui prout  
breve in se exigit et requirit.

R: O: Ar. Vic.

## Retorn. speciall sur habeas corpus.

Ego R. O. Ar. Vic. com. S. domino rege ad di-  
locum in brev. hūic fecidus annex content.  
quod ante advent. ejusd. brev. A. O. in dict.  
nomin. capt. fuit infra com. prād. per W. V.  
nuper vic. com. prād. et in pris. dict. dō. reg. Castri  
Winton. in comitatu prād. salvo custod. ejusd.  
nuper vicec. detent. virtute cujusdam brevis  
Dom. reg. de capiend. versus dict. A. gener.  
apud VVest. nono die Oct. anno regn. &c. &  
coram Iust. dict. dom. reg. apud VVest. die  
Martini quind. dies tunc prox. sequen. ad  
satisfaciend. T. D. gener. quam de quodam deb. 40 l.  
de 30 s. pro damnis unde idem A. coram  
Iustic. apud Westm. convictus fuit, cujus qui.  
A. corpus sic capt. & in prisona pred. sub custod.  
nuper vic. ea occasione existen. detēt. ego pref.  
O. nunc vic. com. prād. recipi de prād. nuper vic.  
ex itru a b. officio suo et corpus ejus per me de  
nuper vic. si recept. in prisona. pred. salvo cu-  
satisfaci quousque postea sex. decim. die Decemb.  
&c. recepi quod breve dict. dom. Regis de su-  
mihi direct. cujus quidā brevis tenor sequit.  
verba Tac. &c. virtute cujus quidem brevis  
superfed. pro eo qd non fuit aliqua causa detēt.  
pred. A. dict. A. ad largū ire permisi dict. brev. de  
satisfaciend. ad satisfaciend. in aliquo non obstante  
per dict. breve de superfed. mihi inde precipit.  
corpus prād. A. coram pref. dom. rege ad diē &  
locum

locum in dict. breve hunc scedul. annex. contra  
paratthere non possunt prout idem breve in se  
git. et requirit.

R. O. Ar. V.

*Alias.*

Ante advent. istius, brevis mihi direct. infra  
min. H. H. comanillus fuit Gaol. dom. reg. C.  
sui Winton in com. infra. sub custod. mea  
tate cuiusda warr. F. C. et J. W. duorum Iust.  
dom. regis ad pacem in com. präd. conferra  
neon ad diver. felon. ad transgr. et al. male  
in eodem com. perpetr. audiend. et terminand.  
geren. dat. tertio die A. anno infra. pro qua  
transgr. & contempt. contra formam statuti pro  
missione vacabund. et pro pauper. et impotenz.  
& hac est. causa captionis et detentionis ipsius  
corpus tamen präd. H. ad diē et locū infra. con  
pitar. habeo prout interius mihi praecep.

R. O. Ar. V.

*Alias.*

Ego R. O. Ar. Vic. com. S. Iust. infra. cert.  
qd corpora R. T. et ceter. def. infra. nom. per  
no capt. fuer. sed per W. V. n. nuper vic. com.  
predecess. meū et mihi per ipsū minime delib.  
in exit. ab officio suo. Ideo corpora eorum cor  
Iust. infra. ad diē et locū infra. content.  
beron. non possum prout interius mihi praecep.

R. O. Ar. V.

*Aliter per languidus.*

Iust. dom. regis. certifico quod infra. nom. H.  
adeo languidus in. priso. Dom. regis. C.

Vinton com. South. variis infirmitat. detent.  
 qd propt. corporis sui debilit. et mortis pericu-  
 lum ipsum tute remove non possum, ideo corpus  
 coram Iustic' infrasc. ad diem et locum infra-  
 content. ad presens habere non possum, juxta formā  
 brevis, istius infirmitat. et mortis pericu-  
 lum ipsum tute remove non possum, ideo corpus

R: O: Ar. Vic.

*Alias.*

Ego R: O: Ar. Vic' comitat. S. domino regi cer-  
 tifico quod corpus infranomin. R: T: jacet sub salu-  
 tate custodia, mea in executione ad sect. T: B: pro C.  
 coram Iustic' domin. Regis apud VWestm. a  
 sancti Michaelis in unum mensem, ideo corpus  
 ad diem et locum infracontent. habere non  
 possum, prout interius mihi præcipitur.

R: O: Ar. Vic.

*Retorn. de mandavi balliv' e libertatis.*

Nature istius brevis mihi direct. mandavi balli-  
 v' libertatis Thomæ Episcopi VVinton. ad capi-  
 end. et arrestand. infranom. J. S. in forma infra-  
 scripta, qui plenum habet retorn. omnium brevi-  
 um et præceptorum et executionum eorundem in  
 libertatem præd. Ac quod nulla execuc. istius  
 brevis per me fieri potest infra eandem liberta-  
 tem, qui quidem ballivus nullum mihi ad hunc de-  
 bit responsum, vel sic, qui mihi respondit qd infra-  
 nominat. J. S. non est inventus in ball' sua, vel  
 sic, quod cepit corpus infranom. I. S. cujus quidem  
 corpus ad diem et locum infra content. parat. has  
 et ad fac' ea omnia quæ istud breve in se exigit &  
 requirit.

R: O: Ar. Vic.

*Retorn.*

## The Office of a Sheriff

*Retorn. brevis de restitutione.*

Virtute istius brevis mihi directi tali die  
 Sec. infra script. tent. infra script. cum pertin.  
 & infranominat. T. et H. plenam possessionem  
 sui inde restitui, prout interius mihi præcipitur.

R. O. Ar. Vic.

*Retorn. de habere fac. possessionem.*  
*cum fieri fac.*

Virtute istius brevis mihi directi. vicem  
 die Ma. anno infra script. habere feci infranominat.  
 H. H. possessionem termini sui infra script. de  
 mentis infra script. cum pertin. Ac etiam  
 feci de tetrig. et catall. infranom. W. W. xx s. p.  
 damnorum infra spec. et denarios illos habeo  
 Iust. infra scr. ad diē et locū infracōr. ad reddē  
 præf. H. H. prout interius mihi præcipitur.

R. O. Ar. Vic.

*Retorn. brevis de seisin.*

Virtute istius brevis mihi directi xxij die  
 anno infra script. habere feci infranominat.  
 plenar. seisin de et in tenementis infra spec.  
 pertin. prout interius mihi præcipitur.

R. O. Ar. Vic.

*Retorn. brevis de seisin in doto.*

Execut. istius brevis patet in quadam Sc.  
 huic brevi annex.

Iustic. Dom. reg. certifico quod virtute brevis  
 Regis mihi directi. et huic scedul. annex.



die A. anno, &c. habere feci P. B. vid. in bre-  
 pred. nominat. plenar. scilicet de tertia parte  
 matij de B. cum pertinen. in eodem brev. spe-  
 viz. de una aula et coquina [de duobus spaciis  
 mura dict. Ite cum libr. ingressus et regressus ad  
 eandem, necnon superiori part. domus man-  
 in terra E. Cab introitu vers. Austral. Ac  
 uno clauso sepeciali vocat. H. continen. per effi-  
 quinque acr. et de quatuor acr. pastur. jacen.  
 boreal. sine, unius clausi voc' B. et de una acr.  
 dur, voc. C. in brevi pred. spec. tenend. pres.  
 B. in sepeciali per metas et bondas nomin. totius  
 ipsius P. ipsam P. contingen. de toto manes  
 in dicto brev. spec. prout per breve pred. mihi  
 incipitur.

R. O. Ar. Vic.

*Retorn. de venire fac.*

Executio istius brev. patet in quodam pannell.  
 et brevi annex.

R. O. Ar. Vic.

A. B. de E. gen. et sic 23. al.

Quilibet Iur. pred. per se	Ioh. Doo.
per Attach. est per pleg.	Rich. Roo.

R. O. Ar. Vic.

*Retorn. distr. Iur.*

Executio istius brevis patet in quodam pannell.  
 et brevi annex.

M. Iur. pred. et eorum	Ioh. Doo.
lib.	Rich. Roo.

Est. eorum cujuslib. — x. s.

R. O. Ar. Vic.

*Retorni*

*Retorn. de Ca. ad sat.*

**V**irtute istius brevis mihi direct. cepi cor-  
infranom. A:B; cujus quidem corpus com-  
Justic. infrasc. vel corā dom. reg. ad diem et locum  
infracontent. parat. habeo ad satisfaciend. infrasc.  
C:D; de debit. et damnis infraspec. prout in  
mihi præcipitur.

R. O. Ar. Vic'

*Retorn. de Elegit.*

Executio istius brevis patet in quadā Inq-  
huius brevi annex'.

**I**nquisit. Indentat. cap' apud B. in com. pred.  
die L: anno, &c. coram me R:O: Ar. Vic' cor-  
pred' virtute brevis com. reg. mihi direct. et  
Inquisit' annex' per sacrum T:B. &c. et sic ita per  
ad minus. Qui dicunt super sacramentū suum  
B. C. in brevi pred. nominat. tali die et an' &c.  
it seisis. in dōnico suo ut de feodo de et in uno me-  
suagio voc' &c. cū pertin. jacen' & existen. in ci-  
tat Wint. pred. modo in occupatione A. G. vid. de  
annui valoris in omnibus exitibus ultra repris.  
s. Ac etiam de et in uno gardino cū pertin' voc.  
in civitat. et com. pred. clari annui valoris in om-  
nibus exitibus ultra repris. 20 s. ac etiam de et in  
uno alio mesuagio cum pertin. in comit. & civi-  
te pred. scituar. jacen. et existen. prope Templum  
ibid voc. **Saint Clem. Church** nuper terr. cor-  
dam R. A. defunct' in modo occupatione B. C. in  
assign. suorum simul cum omnibus gardinis et be-  
ficiis eidem mesuagio spectan. sive pertinen. clari  
nui valoris in omnibus exitibus ultra repris.  
Ac etiam de et in uno alio mesuagio vocat. &c.

civilis

mitate et com. præd. in tenura præd. B. C. clari an-  
 nui valoris in omnibus exitibus ultra repris. decem  
 solid quæ omnia et singula præd. B. C. nuper perqui-  
 sit sibi et hæredibus suis de quibusdam N. S. et Al-  
 nox ejus unius filiarum E. cohæred. præd. R. G.  
 Quod quidem mesuag. in tenura præd. B. C. una cū  
 giardino eidem mesuagio jacen. et spectan. cum om-  
 nibus et singul. suis pertun. pro m. dietat. omniū ter.  
 & tenement. præd. ego præfat. vic. deliberari feci R.  
 S. in brevi præd. nominat. tenend. sibi et Assign.  
 suis juxta formam statuti inde provis. ut liber. tent.  
 suum quousque debitum suum C. J. una cum xy s.  
 pro damnis suis in brevi præd. mentionat. plenar.  
 inde levaver. prout breve præd. in se exigit & re-  
 quir. et ulterius Iur. præd. super sacramentum suū  
 præd. dicunt qd præd. etus B. C. nulla alia sive plura  
 liber seu die recogn. deb. præd. habuit bona aut  
 tal. terr. sive tent. in com. præd. ad eorum notiti-  
 am. In cujus rei Testim. iam ego præfat. vic. quam  
 Iur. præd. huic inquis. sigilla nostra alternatim appo-  
 suimus die A. et loco suprad. &c.

R. O. Ar. Vic.

*Retorn. de extent.*

Virtute istius brevis mihi direct. cepi corpus in-  
 franominat. W. W. cujus quidem corpus ad diem &  
 locum infrascriptum parat. habeo prout interius mihi  
 precipitur.

Resid. execut. istius brevis patet in quadam In-  
 quis. huic brev. annex.

R. O. Ar. Vic.

Inquis. Indentat. cap. apud civitat. Winton. in  
 com. præd. xij. die Januarij ap. &c. coram me

L

R.

R. O. Ar. Vic. com. præd. virtut. brevis dom. regi  
 mihi direct. et huic Inquis. annex. per sacrament. I.  
 B. &c. ut supra, qui dic. super sacramentum suum quod  
 W. W. Ac in brevi præd. nominat. die recogn. de  
 eodem brev. spec. fuit seisi. in dominico suo et de  
 feodo de et in manerio de A. com. præd. clari annui  
 valor. in omnibus exit. ult. repris. C. l. ac de & in  
 manerio de Ct in com. præd. clari annui valor. ult.  
 repris. C. l. Et ulterius Iur. præd. super sacramentum  
 suum præd. dic. quod præd. VV. VV. die recogn. de  
 præd. seu uquam postea nulla habuit bona seu cat.  
 neque al. sive plur. terr. sive tent. in com. præd. ad co-  
 rum noritiam quod extend. appreciari aut in manu  
 dict. dom. reg. cepi aut seisciri possint. Quæ quidem  
 maneria terr. et tent. præd. cum pertin. ego præd.  
 vic. die caption. hujus Inquis. cepi in manus dict.  
 dom. regis per extent. præd. In cujus rei Testi-  
 ram ego præfat. vic. quam Iur. præd. huic Inquis.  
 gilla nostr. alternatim apposimus, die anno et loco  
 suprad. &c.

R O. Ar. Vic.

*Retorna de recogn. extra Cancellar.*

Executio istius brev. patet in quadam Inquis. huic  
 brevi annex.

Inquis. &c. ut supra, qui dic. super sacram. suum  
 quod E. M. in brev. præd. nominat. die capt. hujus  
 Inquis. fuit possessionat. de diversis bonis et catall.  
 sequen. viz. de frument. vocat. Rye. ad valenc. 20.  
 de hordeo ad valenc. &c. et de quibusdam utens.  
 lijs vocat. Household. stuffe ad valenc. &c. Quæ  
 quidem bona et catalla ego præfat. vic. liber. et  
 præfat. n. per prec. præd. prout per breve præd.  
 mihi præcipitur. Et ulterius Iur. præd. super sacra-  
 ment.

ment. suum præd. dic' qd præd. E. die recogn. deb. in eodem brev. spec. seu unquam postea nul' alia sive plura habuit bona aut catall. terr. neque tent. in com. præd. que R. W. in eodem brev. nom. libr. fac. possum. In cuius rei Testim. &c. ut supra.

R: O: Ar. Vic.

*Retorna de breve de vast.*

Ex. cut. istius brev. patet in quadam Inquis. huic brev. annex.

[Inquis. &c. qui dic' super sacramentum suum præd. quod H. A. & I. uxor. ejus in dicto brev. nominat. fecer. vastum venditionem et destructionē in omnibus in eodem brev. spec' viz. permittend. unā solam pretii 30 s. duas cameras precit 3 li. unum stabulum prec. vigint. solide esse discooperitum pro destructione paration. eandem domorum et per tempestates pluviales super ill' descendente devener. putridum et corruptum, &c. contra form. provisionis in eodem brev. content. et ult. Jur. præd. super sacram. suum præd. dic. quod præd. A. et I. aliud neq; plus vastum vendition. seu destructionē fecer. in domi. præd. In cuius rei Testimon. &c. ut supra.

R: O: Ar. Vic.

*Retorna brevis ad inquir. de damnis in dote, ubi tenens obiit seiscitus.*

Executio, &c. ut præd. est.

Inquisitio, &c. Qui dic' super sacram. suum quod infranominat. VV. K. quinto die Ianuar. anno etc. apud A. in com. præd. obiit seiscit. in dominico suo ut de feodo de et in tenementis infrasp. et quod ant. præd. sunt clari annui valor. in omnibus annis ult. repris. xx s. Et quod sex anni et tria quartum unius anni delabuntur, a tempore mor-

reipred. W. K. Et quod infranom. Is D. sustinuit  
damna occasione dotis sue infrasp. ad valenc. xl. la  
eius rei Testimon. &c. ut supr.

R. O. Ar. Vic.

*Aliter in transgr.*

Executio ut supra.

Inquisitio, &c. Quid dic. super sacrament. suum  
quod W. B. in dicto brevi nominat, sustinuit damna  
occasione transgr. in eodem brevi spec. ad 20 s. &  
promit. & custagius suis per ipsum circa test. suum  
in illa porre apponit. 20 s. In eius rei Testimon.  
&c.

*Retorna de seire fac. seire feci.*

**V**irtute istius brevis mihi direct. per A. B. &  
C. De probos et legales hom. de balliva mo  
scire feci infranom. A. D. quod sit corā Justic. dom.  
Regis, vel coram dom. Rege, vel coram Baron. dom.  
regis, ad diem et locum infracentent, ad ostendend.  
& proponend. si quid pro se hēt vel dicere sciat que  
re, &c. according to the matter contained in the  
Writ, prout interius mihi præcipit.

R. O. Ar. Vic.

*Retorn. de nihil super seire fac.*

**I**nfranom. A. B. nihil habet in balliva meæ  
qd. scire facere possum neque est invent. in eā.

*Retorn. de decessavit vel sit exor.*

**V**irtute istius brevis mihi direct. cepi in man.  
meas diversa bona et catalla, que suum  
infranominae. H. S. tempore mortis sue in manibus  
infranominae. R. O. & K. uxoris ejus exor. ut  
predict. H. administrand. existens ad valenc. p.

parcel deb<sup>t</sup> infraſpec<sup>t</sup> quæ quidem bona & catalla  
remanent in custodia mea pro defectu emptorum.  
Et ulterius iuſt. infraſpec<sup>t</sup> certifico quod præd. R. O. & K.  
diverſa bona et catalla quæ fuer. præd. H. tempo-  
re mortis ſuæ ad valenc. reſid. deb. et damn. infraſp-  
cendiderunt et devaſtaverunt et denarios inde pro-  
venien. ad uſus ſuos proprios converter. ita quod re-  
ſid. deb. et damn. infraſpec<sup>t</sup> de bonis et catallis ejus-  
dem H. S. levari ſeu fieri facere non poſſum. Et ulte-  
rius juſt. præd. certifico qd præd. R. O. et K. uxor  
eius nulla habent bona ſeu catalla de bonis et catall.  
ſuis propriis in balliva mea unde reſid. deb. et dānū  
infraſpec<sup>t</sup>. aut aliquam inde parcel<sup>l</sup> fieri facere poſſū  
prout interius mihi præcipi.

*Retorna de replevin ſur return habund.*

*an. eriorum.*

**V**idetur iſtius brev. mihi direct. deliberat. ſeci-  
infranom. I. B. averia quæ T. M. cepit et eide  
T. M. in car. dom. regis adjudicat. fuer. prout interius  
mihi præcipitur.

**R. O. Ar. Vic.**

*Retorna de averia elong. ſur Secunda*

*delin. erance.*

**A**veria advenit iſtius brevis averia infraſpec<sup>t</sup> per in-  
franom. T. C. elongat. fuer. ad loca mihi ignor.  
hæq; viſ. eorund. infranom. H. et T. H. reſign. habere  
non poſſi prout interius mihi præcipi.

**R. O. Ar. Vic.**

*Retorna de Withernam.*

**V**idetur iſtius brev. cepi duas ollas erreas, du-  
as patrell<sup>l</sup> erreas, &c. de bonis et catallis I.  
H. in iſtud brev. nom. in Withernā et ex W. B. in-  
franom.

franom. deliberar feci habend. cidē W:B: quousque  
 præd. J: B: catall' præd' W.B. d. deliberar. voluer. prout  
 breve istud in se exigit et requirit, Et ulterius vobis  
 certifico qd præd. J: H: in istud brev. nom. null' ha-  
 bet alia bona neque catall' quæ in withernā capi  
 possint aut per que Attach. potest juxta tenorem hu-  
 jus brevis.

R.O.Ar. Vic.

*Retorna brevis collecti x. s. extra Scacc.*

**V**irtute istius brev. mihi direct. scire feci in-  
 franom. A.B. Ac etiam que ex parte dom. re-  
 gis fierent dedi in mandat. qd præd. A: B: circa leva-  
 tionem & collectionem sexte quintedecime & decime  
 sex integrar. quintedecimar. & decimar. infra  
 sex præd. A.B. ostendi feci ipsum ex parte Dom. reg.  
 sigilland. et ut fact' futum ad usum ejusdē dom. Reg.  
 deliberand. scz. dedi in mandat. sed præd. A: B: om-  
 nin. eand. sigillar. vel circa collecti. præd. intendere  
 recusavit et adhuc recusat in contemptu dict. Dom.  
 Reg. ideo eandem obligationem ad diem & locum  
 infracontent. habere non possum prout interius mihi  
 præcip. Et ulterius certifico quod scire feci infraom.  
 C: D: quod ipse circa levationem et collectionem  
 dict. sexte quintedecime et decime præd. sex integri-  
 rum quintarum decimarum infra sex. diligenter in-  
 tendat, & obligationem secundum formam Scanni  
 infra script ab eodem C: D: recepi et eandem in  
 Scacc. dict. dom. regis ad diem infracontent. certifico  
 prout interius mihi præcipitur.

R.O.Ar. Vic.



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*The return of a wood writ in the  
Exchequer.*

**B**aron. infrascr. certifico quod P. M. L. S. & T. BW. in scedula huic. brev. annex. nominat. nulla habent bona seu catalla terr. live tenement. infra ballivam meam unde sepecialia debet. super ipsos & eorum cujullibet imponit. fieri facere possum. sed virtute ist. brev. mihi direct. fieri feci de bonis & catal. H. L. T. K. et I. B. indict. scedula nominat. sepecial. summas super ipsos et eorum quilibet onerat. et denarios ill. coram Baron. infrascr. ad diem et locum infracontent. parat. habeo prout interius mihi præcipitur. Et ulterius certifico quod I. B. E. A. et W. B. in dict. scedule nominat. allegaver. se habere exoner. actiones pro sepecial. summis super ipsos et eorum quilibet onerat. et pro eo accepi ab eis sufficien. se curitat. et prefixi eis diem essendi hic ad scaccarium dom. regis infrascr. ad diem et locum infracontent. prout interius mihi præcip.

R. O. Ar. Vic.

*Retorna brevis de respect. homag. al.  
distringas in Scaccario.*

I. Doo.

M. infranominat. A. B. R. Roo.

Exit. ———— xx. s. O. according to  
the value of the land more or lesse.

R. O. Ar. Vic.

*Retorna de scaccar. in scaccar. nomine  
distributionis.*

**V**irtute istius brev. mihi direct. xx. die M. Anno regn. Dom. Regis infrascr. decimo quinto. in manus Dom. Regis. manerium de S. infrascr. cum pertinen. in S. in com. infrascr. quod

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quod quidem manerium est clarj annui valoris in omnibus exit, ult. repril. xx. li. de terri. P. B. in scedul' huius brevi annex' nominat. Accepi etiam a manus ejusdem dom. regis unum torment. voc. a Pewtronel cum le flax et touch box valor. x s. nomine districtiois de bonis et catall' I. C. in scedul' præd. nominat. prout istud breve in se exigit et requirit, &c.

R. O. Ar. Vic.

*Aliter ubi nihil est return.*

**B**aron. infra ser. certifico quod A. B. C. D. et ceteri personæ in quibusc. scedulis huius brevi annex. nominat. nulla habent bona seu catalla infra ballivam meam unde sepecialia debet super eos onerari. seu aliquam inde parcel. si eri facere possum nec sunt invent. nec eorum aliquis est invent. in balliva mea, nec sunt aliqua exec. test. sive ultimæ voluntat. præd. sepecialiū personarum neque administ. bonorum et catall' quæ sua fuerunt, nec aliqui hæred. seu tenent. præd. sepecialium personarū sive eorum al' infra ballivā meam quæ distringere possum prout istud breve in se exigit et requirit.

Resid. executionis istius brev. patet in quibusc. Inqui. huius brevi annex.

R. O. Ar. Vic.

*Nihil return.*

**I**nqui. indent. &c. qui dic. super sac. suum quod A. B. C. D. etc. in scedul. huius brevi annex. nominat. sepecialibus diebus et an. quibus primo debitor devenit dom. regis seu unquam postea hucusq; null. hæret bona seu catall. terr. sive tenement. infra ballivā meam quæ extendi aut apprec. possint ad eorum notis. Et quod mortui sunt sed quibus die et an.

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no five diebus et an. ac ubi penitus ignorant. In cu-  
juriu testim. &c. ut supra.

R. O. Ar. Vic.

*Vbi serv. extendable jacet in al' com.*

**B**aron. infra ser. certifico quod omnia terr. & te-  
nement que fue. infranom. N: F: aut al. ante-  
cessorum suorum jacent in com. S. & non in balliva  
ma.

R. O. Ar. Vic.

*Commovent in al' Com.*

**I**nfranom. E: S: est vic. Com. O. & est commo-  
uens in dicto com. O. et non est inventus in balliva  
ma.

R. O. Ar. Vic.

*Retorna pro vic' mesne.*

**B**aron. infra ser. certifico quod ego H. W: miles  
modo sum vic. Comit. S: ideo meipsum di-  
stringere non possum prout interius mihi præcipi-  
tu.

H: W: Mil. Vic.

*Retorna brevis pro el. el. Mil' Parliamenti.*

**V**irtute istius brevis mihi directi Elig. feci du-  
os milit. gladiis cinctos magis idoneos et dis-  
cret. de com meo præd. viz. W. F. et I. S. qui quidem  
mil' plen & sufficient. potest. pro se et communitate  
com. præd. habeant ad faciend. & consentiend.  
his que ad diem & locum infracontent. de commu-  
ni consilio regni Regis Angliæ ordinari contin-  
ge. Et præd. W: F. & I: S: manucapt. sunt per I:  
P. W: B: R: D: & R: N: ad essend. ad parliament.  
Domini Regis apud Westm. ad diem infracon-  
tent. ad faciend. prout istud breve in se exiget  
&

et requirit, ifeci etiam præcept. I. P. et W. S. ball. li-  
bert. ville de G. quod de burgo de G. elegi fecerim  
duos burghenses de discret. et magis sufficien. qd  
ad parliament. dict. dom. regis ad diem infracont.  
faciend. et consentiend. ut præd. est. qui quidem bal-  
lii sic mihi respond. quod elegi fecer. de præd. bur-  
go de G. duos burghenses discret. et magis sufficien.  
ad essend. ad parliament. præd. viz. S. W. et R. W.

Resid. executio istius brevis patet in quibusdam  
Inquis. huic brevi annex.

R. O. Ar. Vic.

*Retorna de breve sum. Parliamenti.*

**V**irtute istius brev. mihi direct. tam infra libertatem  
quam extra per totam ball. meam publice pro-  
clam feci quod omnes et singul. person. habentes  
tert. tenement. ant. redd. ut infrascr. est quorum  
nomin. in quadam scedul. huic brevi annex. sunt  
script. ad presens. dom. regis circa festum infrascr. per-  
sonalit. compareant ac accedunt ad præf. ordinem  
capiend. prout interius mihi præcip.

F. P. Mil. Vic.

*Retorna de rescous.*

**E**xecutio istius brev. patet in quadam scedula huic  
brev. annex.

Virtute brevis Dom. Regis mihi direct. &  
huic scedulae annex. feci quoddam warrant. meum  
cuidam I. M. ballivo meo itineranti ad capiend.  
arrestand. E. G. in dicto brevi nominat. secundum  
exigent. ejusdem brevis, qui quidem ballivus  
virtute warrant. mei præd. decimo die. I. anno.  
apud D. in com. S. præd. cepit & arrestavit  
p. præd. E. G. et ad tunc et ibidem ipsum  
G. in custodia sua habuit super quo F. G. de  
præd. in com. præd. gener. et T. M. de

et com. gener. ad tunc et ibm. vi et armis viz.  
 ad pugionibus et bacul. in præd. ball. meum in-  
 fecer. et ipsum ballivum meum ad tunc et ibm.  
 contra legem et consuetudinem regni. dom. reg. An-  
 gliz, &c. ac contra voluntatem ipsius ball' mei im-  
 prisonaver. et ipsum ballivum meum in prisona ibm.  
 per spacium unius horæ ad tunc et ibm. detinuer. &  
 in pecun. numeratis de bonis et catall. et de-  
 ter. ipsius ball. mea a persona ipsius ball. mei ad  
 tunc et ibm. præd. T.M. cepit, ac præf. E. vi et armis  
 præd. ad tunc et ibidem custod. dict. ball. mei. ceper.  
 & rescusser. necnon eadem E. seipsam ad tunc et ibi-  
 dem a custodia præd. ball. mei rescussit contra vo-  
 luntatem ejusdem ball. mei et contra pacem dict.  
 dom. regis nunc, &c. et postea eadem E. non fuit in-  
 veniens in balliva mea.

R.O. Ar. Vic.

*Alit. per ballivum Hundred.*

**V**irtute istius brevis feci quoddam VVarrant.  
 meum VV. H. ballivo Hundred. de H. qui  
 mihi sic respondit, quod ubi ipse virtute warr. præd.  
 decimo die S. anno, &c. apud C. in Comi-  
 tum præd. cepit quandam I. S. et ipsum usque  
 ad gaolam Dom. Regis Castri sui VVinton. ducere.  
 voluisset ibidem salvo custod. illuc ven. quidam I.  
 G. et R. S. cum plur. al' ignot. vi et armis modo  
 guerrin. arrayati et a custod. dicti ballivi apud &c.  
 præd. I. S. ceper. et abduxer. et dictum ballivum  
 necuisse voluer. nisi ipsum J. S. evadere per-  
 mitter. & sic ob metum mortis sui ipsa I. S. eva-  
 dere permisit. et ea de causa corpus prædict. I. S.  
 coram Domino Rege ad diem et locum intracont.  
 habere non possum prout interius mihi præcipit. Et  
 ulterius

ulterior certifico qd præd. x. diem &c. præd. I. Sach  
fuit inventus in ball. mea.

R. O. A. P.

*At per ballivum libertatis.*

**V**irtute istius breve mihi directi mandavi. S.  
ballivo libertat. de D. in com. præd. qui habet  
plenum return. omni in brev. præcept. warr sibi inde  
dicitur. Et qui tali die et anno apud P. in com. præd. T.  
S. in brevi huius scedule ann. x. nominat. & in com.  
warr. sibi directum similiter nominat. capit & am-  
ovavit et ipsum T. S. in custodia sua occasione præd.  
ad tunc et ibidem habuit et tenuit. Ac quidem I. C.  
imper. de S. in com. præd. Husbandman. agregat. sibi  
quon plur. al. male f. & ignot. pacisq. dom. regis per-  
tinent. ad numerum vigin. personarum modo guerri  
armati et armis viz. &c. in ipsū ballivum ad tunc  
& ibm. iotose insulsi. ferer. et ipsū verberaver. vulne-  
ravit. et male tractaver. ita quod de vita ejus despe-  
ratur. Et quod I. C. & al. &c. ipsum T. S. ex  
ma custod. dicti ballivi ad tunc & ibm. ceper. &  
insulsi. et ad sui juris ad largum ire permiser. com-  
ma voluntarem præd. ballivi. Ac idem T. S. in  
ipsum extra custod. dicti ballivi ad tunc et ibm. insu-  
lavit. testuissit contra pacem dom. regis. hunc &c.  
Et postea idem T. non fuit invent. in balliva mea.

R. O. A. Vic.

*Retorn. de proclum. ext. a Cancellar.*

**V**irtute istius brevis mihi directi. p. d.  
proclum. feci intra ballivum meum  
infraominat. H. B. sub pena legiancia. sue  
Domino Rege in Cancellar. sua infra scripta  
dictam infraconent. compare. ita p. p. p.

mibi præcipitur, nec non dom. regi certifico quod  
infranom H. B. non est inuenus in balliva mea.

R. O. Ar. Vic.

*Retorna de Commission de rebellion.*

**D**Om. regi certifico quod tempore reception.  
istius Commis. mihi et al. direct. infranom W.  
Wicaps. et arrest. fuit per W. S. mul. vic. com. S. vi-  
me divers. brev. eic. vic. direct. et gaole dom. regis  
citr. sui Wint. per eund. vic. commiss. fuit in qua quid-  
gola ego præf. J. W. præf. W. W. virtute istius co-  
mission. attach. feci prout interius mihi præcipit. sed  
corpus ejus ad diem et locum infracontent. hère non  
possum quia id. W. in ead. gaola sub salvo custod.  
est vic. ob divers. alias causas ibid. detinetur.

I. O. Commission,

*The return of a Dedimus potestatem, to take the  
Oath of a Sheriffe.*

**V**irtute istius brevis mihi direct. tali die et an.  
&c. infra. rec. recipimus sacram. infranom R. O.  
vic. com. S. de officio illo bene et fidelit. faciend.  
per a. North. cuiusd. cedule præsentibus annex. prout  
interius mihi præcipit. et prout breve istud in se exi-  
git et requirit.

W. S. & S  
B. T. Commis.

*Retorna de breve de præmunire.*

**V**irtute istius brevis tali die & anno per L. S.  
T. W. et I. E. probos et legales homines de  
bal. meo præmunire feci VV. K. clerico infra-  
nom. quod sit coram dom. Rege ad diem in-  
frascript. ubique &c. ad fac. et rec. prout istud  
breve in se exigat et requirit. Et J. B. et ceteri. def.  
infra-

## The Office of a Sheriffe.

infranom. nihil habent in bal' mea per que eis pr.  
munire fac' poss, nec sunt invent. in cod.

R. O. Ar. Vic.

*Retorna brevis ubi Clericus non habet  
laicum scodum.*

**V**irtute istius brev. mihi direct. Justic' infrate.  
certifico. qd infranom. T: H: Clericus est bet.  
fic. in Episcopat. London. nul' habens laicum scoda  
ball' mea ubi potest sum.

R: O: Ar Vic.

*Retorna brevis elig' nd, viridar. Foresta.*

**D**Om. reg. certifico quod infranom. I: H: an  
advent. istius brev. mihi direct. mortuus fuit,  
quodq; ego post receptionem istius brev. in ple  
com. meo tent. apud castr. Winton. in com. meo vic  
simo nono die Mart. anno infrascr. ex assensu episc  
com. loco præl. I. elegi feci quendam N: Starmiga  
viridar. foresta de B: infrascr. ad fac. ea omnia q  
ad offic. illum pertinent prout idem breve in se  
git et requirit,

R. O. Ar. Vic.

*Retorna brevis summ. coram Iustic. foresta*

**V**irtute istius brevis mihi direct. futu. f  
Archiepiscopos, Episcopos, Comit. B  
ron. et omnes alios liberos tenen. qui terr. & tene  
ment. habent infra metas forrestz Dom. Regi  
frascript. in comitatu meo et quatuor homin  
& præponit de quolibet villar. infra metas ep  
dem forrestz, Ac etiam duos probos & leges  
homines de quolibet burgo infra metas dicta fo  
restz tenend. venir. de tiner. ut solebant, quod fac  
coram Iustic. infrascript. ad diem et locum infr  
content. prout interius mihi præcipitur public  
etiam



nam proclam. feci per totam ballivam meam tam  
in burgis quam in aliis villis ac in feriis mercatis  
et alijs locis publicis quod omnes illi qui per char-  
tam dom. reg. nunc aut antecess. vel progenitor' suor:  
aut aliquo alio modo aliquas libertates seu franche-  
tias teneant. aut libertat. habere clam & quo warr.  
qd sint coram dict. Iust. ad diem et locum præd. pro-  
clam. etiam feci quod omnes attach. pro virid. et ve-  
rid. & venac. in forresta præd. post ultimum placit.  
forrestæ præd. tene. et eorum pleg. et manu capt. qui  
fuer. die per manu caption. præd. essend. coram præ-  
fat. Iustic. id stand. rect. et ad faciend. ea quæ secund.  
legem forrestæ facere debent.

Resid. execution. istius brevis patet in quibusdam  
pannellis huic brevi annex.

R O. Ar. Vic.

Le pannel.

Anthony: B. et C. generos. et sic 24. for the grand  
Jury, and twelve for the petty Jury.

Quando aliquis ostend. vic. tall. sua.

Virtute istius brev. mihi direct. baron. infra scr.  
certifico quod firmit. infrapm. post receptio-  
nem hujus brevis mihi ostend. tall. is de solutione  
sime sue interius specif. ob quod præfixi eis diem  
ostendi coram baron. infra scr. ad faciend. et recipiend.  
super tali præd. juxta tenor. hujus brevis. Et ideo  
trado sum. interius specific. super. prout interius  
mihi præcipit.

W. V. Ar. Vic.

Retorna brevis ad proclam. vic. ad reddend.

potum suum per Coronatores.

Virtute istius brev. nobis direct. Baron. infra-  
script. certificamus quod in pleno Comita-  
tu

## The Office of a Sheriffe.

tu S: infrasc. tent. apud Castrum Winton. in com.  
S: præd. vicesimo die A. anno &c. infrasc. Ac etiam  
in pleno com. p:æd. apud W: præd. 18. die Septem.  
&c. necnon in diversis vicibus postea in com. præd.  
articularim proclam. fecimus omnia et singula articu-  
la quæ in isto brevi continent. et specificant. prout  
per breve istud nobis interius præcipitur.

I:W: }  
W.R. gen. } Coron.

*Retorna de Cap: as extra Scaccarium tam  
corpus quam terr. nomine districti.*

**V**irtute istius brevis mihi directi Baron. infrasc.  
certifico qd' cepi corpus infranom. I.R. cuius  
quidem corpus coram dictis Baron. paratum habeo  
ad diem et locum infracentent. necnon vicesimo die  
I. anno &c. infrasc. cepi in manu dom. regis nomine  
districtionis cert. terr. & tenement. infranom. I: &  
jacent. et existen. in Bannui valor. C. s. prout illud  
breve in se exigit et requirit.

R. O. Ar. D.  
*Capias in manus manerium.*

**V**irtute istius brevis mihi directi Baron. infrasc.  
certifico quod vicesimo die Mart. anno &c.  
infrasc. cepi in manus dom. regis infraspiciat  
maner. infrasc. cum pertinentiis prout interius mihi  
præcipitur. Et si sit cum inquisitione pro annui valo-  
r tunc sic breve præd. return. est.

Resid. executionis istius brevis patet in quibus  
Inquis. huic brevi annex.

R. O. Ar. Vic.

[N]quisitio Indentur. capr. apud, &c. as in the in-  
quisition is befoze for the form only putting in  
the new matter.

*Retorna brevis de Quis est tenens extra Scacc.*

**V**irtute istius brevis mihi direct. baron. infra  
scr. certifico quod VV.B. et M. uxor ejus sunt  
tenente tertiæ partis, manerij infrascr. in C: D: in  
tres partes divideudum et C: A. M. E: et I: B: fil' C:  
D: defunct. sunt tenent. secund. partis manerij præd.  
rem in custod dom. regis ration. minoris ætatis P:  
B. fil' et I: red. C. B.

M. prænominarorum VV. | J. Doo.

B. et M. uxor ejus | R. Roo.

R. O. Ar. Vic.

*Retorna de venire fac. extra Scaccarium*

*vel offic. cor or. in natura de summons*

*ubi est insufficient.*

[I]nfranomina. A: B: nihil habet in balliva mea  
per quod potest Attach. vel ubi eum sum. pos-  
sum.

Infranom. A. B. | Joh. Den.  
attach. est per pleg. viz. | R. Fen.

R: O: Ar. Vic.

Exit. eorum j. marc.

Et ulter. si hæc verba recitantur in brevi, necnon  
ostend. tunc in quovis x. s.

*Ectorn. de distringas ubi pars nihil  
habet in terr.*

[I]nfranom. C. D. nihil habet in terr. tenement. &  
hereditam. infrascr. per quod ipsum distringere  
possum.

M

Aliae

*Alias.*

**N**ullum tale manerium neq; ulla terr. five ten.  
cognit per nomen de E. jacen. in com. S. unde  
tenentes inde distringere possum prout interius mi.  
hi præcipitur.

R. O. Ar. Vic.

*Retorn. de venditione exposi.*

**V**irtute istius brev. mihi direct. de die in diem  
vendition. exposui ill' bona et catalla ad va-  
lenc. C. s. resid. de 8. li. quæ nuper de terris et ca-  
tall. terr. et tent. T. B. in franom. cepi et inde vendidi  
ad valenc. xl. s. quos quidem xl. s. ad diem et loca in-  
fracontent. parat. habeo ad reddend. in franom. C. D.  
prout interius mihi præcipitur. Et resid. bonorum &  
catall. præd. ad tunc penes me remanent in vendi-  
pro defect. emptorum.

*Aliter retorn. de venditione exponas.*

**B**aron. infrascr. certifico quod ill. C. oves in hoc  
breve spec. vendition. exponere non potui eo qd  
adhuc remanent in manus infran. R: N: nuper vic.  
com. S. & nunquam mihi præf. nunc vic. adhuc per  
præf. nuper vic. deliberat. fuer.

R. O. Ar. Vic.

*Retorna de fieri fac, ubi null. add tion.  
datur aliis def.*

**B**aron. infrascr. certifico quod sunt divers. personæ  
in com. meo nomin. et cognominis de I. K. vi.  
I: K. de B. J. K. de F. & I. K. de A. quod non con-  
venitur in isto brevi de cujus præd. I. K. & c. bonis &  
catall. denat. infrasp. fieri facere Nescio ideo ad ex-  
ecutionem istius brevis procedere non potui.

R. O. Ar. Vic.

*Retorn.*

*Retorn, brevis extra Cur. Wardorum  
& Liberativum.*

**P**ost receptionem istius brev. & ante retorn'  
eiusdem sepal' dēnar. sum. infrasc. soluti fue-  
rūt per seperales personas infranom. receptori dom.  
regis cur. iuz VVardor. et Liberac. ideo ad executio-  
nem eiusdem brevis proceder. non potui prout inte-  
rius mihi præcipitur.

R. O: Ar. Vic.

*The return of a significavit.*

**V**irtute istius brev. mihi direct. cepi corpus in-  
franom. A: B: cuius quidem corpus remanet in  
prisona doir. regis Castri sui VVinton. sub. salvo  
custod. mea donec sanet. ecclesie tam de contemptu  
quam de injur. ei illat. ab eo fuer. satisfact. prout  
istud breve in se exigit et requirit.

R O. Ar. Vic.

*The returne of a signif. with proclam.*

Infranominat. A: B: non est invent. in balliva  
mea, sed virtute istius brev. mihi direct. in Ple-  
no com. mco tent. apud Castrum VVinton. in com.  
infrascript. xv. die lul. anno infrascript. publice  
proclam. feci quod prædict. A. B. infra sex dies  
proxim. post proclam. illam corpus suum reddat in  
forma infrascript. prout breve istud in se exigit et re-  
quirit.

R: O: Ar. Vic.

Inquisitio, &c. Qui dic. super sacrament. suum quod  
VV. F. in scedul' brevi præd' annex. nominat.  
mortuus est, sed quibus die et anno aut ubi peni-  
tus ignorant; quodque VV. M. etiam in eadem  
scedula nominat. est residens in Londin. & J:  
est commorans apud B: in com. VV. et A.R: in

M 2

vill'

vill' et com. South. extra com. South. & reliqua pers  
son. in eadem scedula nominat. Ita vagrant. et discer  
rent in com. præd. quod capi et arrestar. non possint.  
In cujus rei testimon. &c.

**I**nquisitio &c. qui dic. super sacramentum suum  
qd H: S: in scedula huic brevi annex. spec. null  
alia siue plura habet maneria terr. neque tent. in  
com. prad. prater & ultra maner. terr. et tenement. in  
scedul. brevi prad. annex. spec' extend. aut in manu  
dom. regis seiscite possint. In cujus rei testimon.  
&c.

**I**nquisitio &c. qui dic. super sacram. suum qd I: W:  
in breve præd. nom. die caption. hujus inquisitionis  
fuit possessionat. de quadam dimissionē pro termin.  
vigint. an. unius melaug. &c. in A: in com. præd. cum  
pertinent. an. valor, in omnibus exit. ultra repris. 4. l.  
quam quidem dimissionē ego præf. vic' die captio-  
nis hujus inquisitionis cepi in manu dicti dom. reg.  
In cujus rei testimon. &c.

**I**nquisitio &c. qui dic. super sacram. suum qd quibus die et anno nuper comes H: obiit & ubi peritus ignorant. quodq; ipse null' habet bona aut car. in com. präd. quæ capi et in manu dicti dom. regis extend. possint. Et ulter. dic' quod präd. comes H: die quo obiit fuit seissit. in dominico suo ut de feodo de et in manerio de C. cum pertin. dari ann. valoris in omnibus exit. ult. repris. 2 s l. quod quidem maner. cum pertin. ante aduent. istius brevis ego præs. vic. virtute alterius brevis extra hanc cur. reman. & ex parte rememor. dicti dom. regis hujus scacc. affo. lat. seissit. feci in manus dicti dom. regis per exten. präd. In cujus rei testimon. &c.

*Alias.*

**V** Icar. infrascript. cum pertin. in manu dicti dom. Regis exist. Sede Episcopi Winton. modo vacant.

*Alias.*

**Q** uod maner. terr. & tent. nuper W. dom. de Warr. in manus dict. dom. regis existunt eo qd T: w: miles modo dom. de le Warr. filius et hær. præd. VV. non prosecutus est Liberat. suam extra cur. dict. dom. regis VVardor. et Liberat. In cujus rei testim. &c.

*The return of a writ of Partition.*

**E** GO R: O: Ar. vic. com. præd. Iustic. in brevi Ethnic scedulæ annex' spec. certifico quod virtute brevis illius. in propria persona mea 15 die 1: anno &c. Accessi ad mesaug. in brevi præd. spec. per sacram. A: B: &c. ad numerum 12. proborum et legalium hominum de com. præd. & usum in eodem brevi spec' habuit respect. ad verum valorem ejusdem mesaug. eundem mes. cum pertinent. in quatuor equal' partes partiri feci, & unam partem partium illar. viz. &c. tenend. H: S: et uxori ejus in brevi præd. nominat. in se peralitate per metas et bondas in jure ejusdem 1: E: aliam partem inde viz. &c. tenend. I: C: et B: uxor ejus in brev. præd. nomin. in se peralitat. in jure ejusd. E. & duæ al' partes inde viz. &c. tenend. præf. I: C: in se peralitat. in jure suo proprio. Et ego præf. vic. die et anno suprad. eas deliber. et assign. feci prout idem breve in se exigit et requirit.

R. O: Ar. Vic:

**F I N I S.**



The manner and form how to keep  
a Court-Leet, or a Law-day,  
with all things thereunto  
appertaining as followeth.

*The third Booke.*

**F**irst the Steward must make his precept  
to the Court thus.

I:W: generosus Seneschal' R. T. mil' manerij five  
hund' sui de A: ballivo ejusdem manerij salut. tibi  
mando qd diligent. pramonite fac' curia vis. Franc'  
Pleg. maner. prad. tenend. xx. die Oct. prox. sequen.  
circa horam nonam ante meridiem ejusdem diei ad  
locum consuet. datu sub sigillo meo vicesimo die  
Sept. ann. &c.

Per me I. W. Senesc. ibid.

**Then enter the Court.**

Sf. Vis. Franc' P leg' cu cur. T. mil. ibid. tene. die  
Jov. viz. vicesimo die Oct. anno regn. dom. nostri  
Iacob. dei gratia Ang' Fran' et Hib. reg. fid. i. defens.  
&c. viz. Ang' Franc' et Hib. x. et Scot. xlvj. per I.  
W. senesc. ibid.

**Then cause the Bayliff to make three procla-  
mations**



mations, and say after the steward thus

All manner of persons whiche are residents or  
dozoners, and do owe suit royal to this Court,  
Leet, or Law-day come in and do your suit, and  
answer to your names as you shall be called, e-  
very man at the first call, upon pain and perill  
that shall fall thereon.

Then call the free suitors and dozoners one  
after another thus.

I G. gent. come into the Court, and do your  
suit and service, or else you will be amerced, and  
when you have called them, al those which made  
default, mark them over the head thus, *Lauren-  
tius Gaole, in misericordia u. d.* and when all the  
free suitors be called, you must write thus, *Sunt  
lib. tenen. hujus maner. et debent secti, ad hanc  
Cur. et fecer. default. id. quilibet eorum in miser-pro-  
ut paret super eorum capite.*

Then the Steward must cause the Bapltis  
to make 3. proclamations, and then to say thus,  
And if any man will be esloyned, let him come in  
and he shall be received, and all such persons as  
were esloyned the last court, let them come now  
in and warrant their Esloins, or else they will  
be amerced both for this Court, and also for the  
last, that is, they must appear, and not be a-  
gain esloyned; for if that be suffered, it will hin-  
der the service: And if any desire to be esloyned  
by their Tyeingman or other neighbour, then  
for the first Court they may be esloyned, & their  
esloins may be entred as they are in the hundred  
Court in this book.

Then let the Baplt say after the Steward,  
If any man will enter any plaints, let them  
come forth, as they shall be heard.

Then if any come to have any plaints entred,  
then

then enter them as they are entred in the hundred courts, & if need be those declarations, & pleadings will serue here.

Then cal the tything man of every tything with his tything, & demand of him if his whole tything be there or no, & ask him what Lait-day, or hundred silver he hath brought, this done, receiue his mony and sweare him thus.

The Tything-mans Oath.

**Y**ou shall sweare that you shall make true inquiry, & the same present of al such articles & things as shall be given you in charge concerning the R. Maiessty, & the Lord of this Leet or laith-day, wherein you shall no concealment make you shall spare nothing meet to be presented within your tything, for love labour, affection or corruption, neither shall you present any thing for malice, hatred or envy, but according as the truth of things have, may or shall come to your knowledge, by information or otherwise: So shall you make thereof a true presentment without concealment: So help you God &c.

Then call the whole tything by name, & sweare them thus.

The same Oath which R. W. your tything-man hath on his part taken befoze you & every of you you shall for your parts obserue, perform and keep in every article and thing which shall be given you in charge at the Leet, so help you God and the contents of this book.

Then cal the Constables of the Hundred if there be any there, and sweare them thus:

You shall sweare that you shall make due inquiry, & the same present of al such articles and things as shall be given you in charge, and

al ebery such thing & things, which are, shal  
 it may come to your knowledg meet to be pre-  
 sented at this Court concerning your Office,  
 wherein you shal spare no man for love, fear, fa-  
 vour, affection, or corruption, neither shal you  
 present any man, for malice, hatred, or envy, so  
 shal you make both a iust, and a true present-  
 ment thereof without concealment, so help you  
 you God, and the contents of this booke.

In like manner you shal swear Ale-tasters,  
 Heywards, and other officers, if any such be an-  
 swerable, or ought to appear there according to  
 their particular offices.

Then cal to the Bayliffs for the names of the  
 Jury, and bid them return them in writing,  
 whereof must be 24. which return made's deli-  
 vered, bid the baylif make an O-yes, & say after  
 you thus:

You good men that be returned to enquire for  
 our Sovereign Lord the King, & the Lord of this  
 Leet or Latw-day, and wer to your names as you  
 shal be called, ebery man at the first call, upon  
 pain of amerclament.

Then call the Jurors severally by names as  
 they be returned, & prick them openly which ap-  
 pear, & none else, & when 14. or 15. or more have  
 appeared, then cal the foreman to the booke, and  
 swear him thus.

#### The Foremans Oath.

**Y**ou shal duly inquire, & true presentment  
 make of al such articles & things as shal  
 be given you in charg, the Kings Majesties  
 counsell, your fellows, and your oton you  
 shal wel and truly keep, and not disclose the  
 same; but here in Court you shal presente  
 the



best you in the fear of God, first of al to remem-  
 ber your duties to almighty God, next to the K-  
 inge, and lastly to the Lord of this Lect. or  
 Law-day, and therein to have a speciall regard  
 to the good of the common-wealth, here to shew  
 the p'ecinct of the Lect. or Law-day. God deli-  
 vered with his servant Moses in the mount Si-  
 nai 10 Lawes or Commandements, which are di-  
 vided into two Tables, the four first which are  
 the first Table do teach us our duty to God, the  
 other six which are the second Table, do teach  
 us our duties one towards another, as the body  
 of man is subiect to many sicknesses & diseases,  
 so a kingdom is subiect to many mischances and  
 inconveniences, and as the one is often curable  
 by physick, so the other is to be redressed and re-  
 formed by the due execution of Lawes which are  
 as the sinews of the Common-wealth, to keep  
 it in good order, and the execution of the Law is  
 the life of the Law, otherwise it is but as a dead  
 thing, and therefore good Rulers & Magistrates  
 are said to be as fostering fathers and Mothers  
 to the Common-wealth, as well as natural pa-  
 rents are to their own children, and the subject  
 that honoureth his Prince, the child that ho-  
 noureth his parents, & the servant that honou-  
 reth his or her master or mistress, ought to honour  
 them of duty in singlenesse of heart, and not for  
 feare of punishment, or hope of reward. By  
 the ancient Lawes of this Realm, this our king-  
 dom of England is an absolute Empire and  
 Monarch, consisting of a head, and of body po-  
 litick, compact and compound of many members,  
 all which are divided into two generall parts,  
 viz. the Clergy and the Laity, both which next  
 and immediately under God ought to be subject  
 and

and obedient to the K. their head. for he is their head, & they are his members, & he is ordained to this end and purpose to Govern his Kingdomes and people, and especially the Holy Church, and to defend the same from all errors, & from all works of Mischief & Iniquity, & to root out all Malefactors which do disturb the Peace of the Common-wealth, by the due execution of the Laws, & Statutes which are made to that end & purpose. At which he hath committed to his Judges and Justices, & other Officers as it is very meet and convenient he should, because they are his substitutes for the well Governing of this Kingdom; & I must tell you that these Leets & Law dayes are very ancient Laws, and they were the first Laws that ever were used here in England, & they were ordained for two causes; the one was that the King might understand by his Officers and upon the plea of such persons as appeared before him, how many able men were within the precinct of every Law day, to do him service in his wars if need should require; for we must understand that at that time all Leets & Law dayes were in the Kings hand, and at this day no man can keep a Law day, but either by the Kings special grant, or else by title of prescription, which first began by the Kings grant. And the other cause was for the administration of Justice to the Inhabitants within the precinct of every Leet or Law day; for before the beginning of these Leets or Law dayes there was no Law used, no nor no Justice ministered, but all only before the King himselfe, and wheresoever he was, there was the Law used, and Justice ministered, and in no place else.

and

and then by reason of the great number of suits which did resort to the Court for Law and Justice, oftentimes sicknesses & diseases were brought thither, which did endanger the Kings person, and also by reason of the multitude of suits which were there depending, it was long matters could be heard and determined, & very troublesome and chargable to the suitors to repair so far, and stay so long for Justice; for remedy whereof, this Realm was then divided into Counties, and so into Hundreds, Wittings, Tithes, Leets, and Wardens, which are all one in effect, though they differ in name according to the Custome of every Countrey. And there is no man living within this Realm but he is resident and abiding within the precinct of some one of these, and there he ought to appear twice every year if he be not otherwise privileged by his place or office, and if any wrong be done to any man under the value of forty shillings, there hee ought to have redress, and not else-where. Then these Leets were afterwards confirmed by the statute of Marlebridge ca. 13. before the making of which statute, a Lord of a Leet or Law day might have kept as many Leets or Law daies in a year as he would, and as few. But by that statute men were limited and appointed to keep but two every year, videlicet, one within a Moneth of Easter, & the other within a moneth of Michaelmas. And afterwards because men were of sundry opinions, what things were inquirable at Leets or Law daies and what were not, there was another statute Law made in the seventeenth year of E. 2. by which it appeareth what things are



inquirable at a Leet or Law-day, and what are not, and thence that time there hath bene divers other Stat. made, whereby divers other articles are inquirable at Leets or Law-daves, which before the making of the Stat. were not. Now therefore considering that these Leets or Law-daves were first ordained for the causes already delivered by me unto you, considering also, that the redresse of all wrongs, and the punishment of all offenders here within the precinct of this Leet or Law day resteth in you who are here especially elected, sworn, and put in trust as the most meetest, and worthiest men within the precinct of this court for that service, it therefore behoveth you to have a speciall regard to your oathes therein, that you may the better perform the trust which is reposed in you; for now it is your parts and duties to cry right from wrong, and truth from falshood, and to punish offenders, and to defend the innocent. The Prophet Jeremiah teacheth you a good lesson, and that is this. Jurabis sathes he, in veritate, in judic. et in Justitia. et amovete amore et timorem, odium & spem, that is, you must swear in truth, judgment, & justice, not regarding the substance, authority or power of a rich man, nor the imbecillity or poverty of a poor man, but rather you must follow the call of that wise philosopher Plato. who saith thus. That Justum est judicium, ubi non persona sed opera considerant. that is a right wise judgment, where the person of a man is not regarded but his offence: Et ex cordibus vestris omnem affectionem expellite, & memores estote quantas minus deus instituit pro Juramenti violat. You must you would do as you ought to do, remove all affection out of your minds, and call to remembrance



hence what threatnings God hath layd upon  
 such as have violated their oaths, for it is writ-  
 ten in the 14. chapter of Leviticus, thus. Qui  
 blasphemat nomen Dom. morte morietur, that is,  
 he that blasphemeth the name of God shall dye  
 the death: and in the first Chapter of the Acts  
 of the Apostles, it was sayd to Ananias, and Sa-  
 phira, Non vives qui locutus es mendac. et con-  
 scilium occisi fuerunt pro mendac. in vendend.  
 Agr. that is, it was told them that they should  
 not live any longer, because they had dealt de-  
 ceitfully, and made a lye to colour their deceit in  
 selling of a field, and they were presently slaine  
 for it: if God did then so punish them for making  
 a lye, which thing is so common now a dayes,  
 what will he do to them which do not stick to lye  
 and wilfully forswear themselves: therefore it  
 becomes us to beware, and to learn to be war-  
 ned by other mens harms, lest we fall into the  
 like iudgment of God our selves. In doing wel,  
 & performing your duties in this service which  
 you are to take in hand, you shall not only  
 please God therein greatly, and do the King and  
 the Lord of this Leet good service, but you shall  
 also do good to your selves, and your posterity,  
 and therein cause the Common wealth to  
 flourish and increase in godliness and piety: but  
 on the contrary part, if you shall be remisse and  
 careless in doing of your duties, therein you  
 shall not only offend God very greatly, and in-  
 curre the danger of the Kings Laws, but you  
 shall also embolden and encourage wicked and  
 lawless persons to continue still in their own wil-  
 dom, and to go forward a malo ad pejus, and  
 to draw on sinne upon sinne, as it were with  
 out ropes, to their utter ruin and destruction.

And

And I would haue you to know, if I find you careless and negligent in this service, I may then by the Law impanel another Jury to inquire of your concealmentes, the which if they shall find, then may I set such fines upon you as I shall thinke fit, according to the quality of your offence. But I hope that you will geue me no such occasion, but rather that you will duly and truly inquire of, and present all such things as I shall aske in charge.

And so I will here cease to trouble you any further by way of exhortation, and proceed as God shall enable me & your patience to the particulars of your charge.

Your charge shall be somewhat long and tedious, and standeth upon many partes, but I will make it as short as I can, and reduce it into three chief heads or parts, viz.

**Petty Treason.**

**Felonies by Statute Law.**

**Felonies by the Common Law.**

**Offences upon others Statutes.**

**Laws and common amolizances.**

And so of these in their order.

**Petty Treason.**

It is petty Treason for a woman to kill her husband, or a Clerk his Ordinary. & the punishment for these offences is death, & loss of lands & goods.

**Misprison of Treason.**

Next to this is misprison of Treason, & that is, when any one knows of the Treason afore said, or any of them, and concealeth it more than four houres, after knowledg thereof had, &

punish

punish

punishment for this offence is losse of goods and chattels for ever, and of lands during life, and perpetual imprisonment.

### Felonies by Statute Law, Rape.

Next you shal enquire of Felonies by statute Law and therein first of Rapes, & that is if any man have ravished, or had carnal knowledg of any womans body against her will, or hath slain or carried away any widow or maid against their wills and freinds, though it was done to the intent to marry them, yet it is felony, & the offender therein shal suffer death, & lose his lands and goods for it.

### Hunters, by night

Next you shal enquire of hunters by night, in any forrest, park, chase, or warren, with hounds, disguised, to the intent not to be known, & they be apprehended and deny it before a Justice of P. upon their examination, it is felony, but if they confesse it, it is then but a trespassse, and so punishable.

### Defacers of a mans Phisnomie.

Next you shal enquire if any man or woman hath defaced anothers phisnomie in putting wilfully his or her eyes out, or cutting out of his or her tongue, either of both is felony & the offender shal suffer death, and lose lands and goods.

§. H. 7. This is the offence of a servant who is bound to his master, and who is found guilty of this offence, shall be punished with death, and loss of lands and goods.

Also you shal enquire of servants who have imbezzled their Masters or their Mistresses goods, being put in trust therewith, if it amount

## Of a Court Leet, &amp;c.

amount to xli. s. and upwards, it is felony, 21 H. 8. c. 7. and the offenders shal suffer death in this case, and lose lands and goods.

## Witches and Sorcerers.

Also ye shal inquire of Witches, & Sorcerers; for if any of them have killed or destroyed any man, woman, or child, with Witch. or Sorcery, it is in them felony, and the offender shal lose both his lands and goods for it, 5. El.

## Rebellions.

Also you shal inquire of Rebellions, Riots, & unlawful assemblies, and that is where persons to the number of xli. or upwards, do with force unlawfully go about to alter Laws made by the of Parliament, or any other Laws of this realm, and being required by the Kings Officers upon Proclamation to return to their dwellings, and yet do remain together by the space of one hour after such Proclamation made; or after do attempt the like thing, it is felony, 1. Eliz. And so it is where any such number have assembled themselves together to break, or digge up, or cast down any pales, hedges, ditches, or other inclosures, or to pul up any pond-heads, conduits, or pipes, to the intent to kill or destroy any Deer in any Park, Chace, or in any Warren, or fish in any fish-pond, or have fired any dwelling house, or any barn wherein any Corn was layd, or any rich of corn, or ring any Bell, sound any Trumpet, or Drumme, wind any Horn, fire any Beacon, or speake any rebellious words, or bring or send any money, victual, harness, or weapons to any such rebellious persons, is felony, and the

the offenders herein shal suffer death, and lose land and goods: also there are concealers of these offences, the which if they conceal 24 hours, they are to have nine months imprisonment, without baile or mainprie: and farmers & copyholders ought to loose their farms and copyholds if they refuse to go to suppress such rebellions as is aforesaid.

### Felonies by the Common Law

Next you shal inquire of felonies by the common Law, and that is where any doth steal to the value of xij. d. or upwards, or doth steal any marked swans, or their signet, or their eggs, or tame Deer, or rob Churches, Chappels, Wigwag-houses, or dwelling-houses, or any upon the highway, though he take but the worth of a penny from him, it is felony, & the offender shal lose his land and goods, and so shal their accessory.

### Petty Larcenie.

Also you shal inquire of Petty Larcenie, and that be such as steal pigs, geese, hens chickings, out of fields, clothes from hedges, or out of windows, rob orchards, or go on cheebes messes: the offenders herein are to have corporal punishment, & so their accessories: but they forfeit their goods if they have any. 18 E. 2.

Now I must tel you that al those offences which I have already spoken of unto you, are not only to be here inquired of and presented, but also here punished, but they are to be punished by the Justices of the Shire upon certificate made thereof by the Steward of a Leet or Law day. But now follow the offences which are both

here to be enquired of, presented and punished.

### Affrayes and blood-sheds.

And therefore because man is the worthiest creature that God made, I will first begin to put you in remembrance of the Law made for his safety and preservation. You shall therefore first inquire if any man within your inquiry have broken the peace or made any affray or bloodshed; if any have offended herein, you must present him or them, & the manner of it, & with what weapon, for that it is forfeit to the Lord of this Leet, & the offender or offenders are to be fined for such offence.

### Hue and Cry.

Next you shall inquire whether hue & cry after thieves & robbers hath bin duly pursued & followed as they ought to have been or no; if not, then you must present him or them which made fault therein; for he forfeits v.l.

### Constables and tythingmen to punish Rogues.

Also you shall inquire how Constables & Tythingmen have executed their offices in punishing of Rogues, vagabonds, and sturdy beggars which have come within their charge; for if they have bin remiss therein, then they ought to lose x s. for every default. No man or woman may be suffered to beg by the law, nor no man or woman may give any alms upon pain of x s. for every time they give.

### Who are said to be Rogues.

These persons by particular are said to be Rogues.

the statute requires, viz. Brokers of Spittleha-  
us, patent gatherers, & collectors, Gaolers,  
prisons, & hospitals, Fencers, Bearwards,  
common players of enterludes, Spinners wan-  
ting abroad, Glass-men, Baylors, Shoulders,  
Schollers, and al other idle persons which go  
about begging.

Stocks in every tything.

Also for the punishment of these offenders, you  
shal enquire if there be in every tything a paire  
of Stocks, according as there ought to be by the  
statute & no: if there be not, then the tything do  
lose b. ii.

Artillery to be maintained.

Also you shal enquire whether every one have  
Bow & Arrows according to the statute, & no:  
in every manchild from 7 years old to 17 ought  
to have a Bow and two Arrows, & every man  
from seventeen to three score ought to have a bow  
& four arrows, upon pain 6 s. 8 d, for every de-  
fauit: & parents ought to provide them for their  
children, & masters for their servants with their  
lances: or else they ought to undergo the penalty  
thereof. 33. H. 8. c. 9.

Buts in every tything.

And also for the exercise of Archers in shooting  
at times convenient, there ought to be butts made  
in every Tything, Village, and Hamlet, or else  
the Tything, Village, or Hamlet ought to lose  
4 s. for every three months wanting Butts  
there.

## Playes or Games .

Also you shal inquire if any Alehouse keeper or other person do keep any unlawful games in his or their house or houses, or else where, as cards, dice, tables, loggers, quoits, bowles, or such like, in this case the house-keeper loseth for every day  $\text{xl s.}$  and every player  $\text{vi s.}$  till  $\text{v.}$  for every time, 33 H 8.

Also Constables ought to search monethly for such unlawful games and disorders in alehouses upon pain of forty shillings, and they may arrest such as they find playing at unlawful games, and commit them to ward, until they put in sureties not to play any more at any unlawful game.

No man may play at any unlawful game insatiable, unless he can dispend  $\text{£ l.}$  per an. in lands, fees, or office, for life at the least; and he may not play neither in any open place, where every one that will may see him, but in his house or in his Orchard, or Garden, upon pain of  $\text{6 s. 8 d.}$  for every time except in the Christmas time, for then all men may play, 33 H. 8.

## Shooting in Gunnes.

Next you shal inquire of such as shoot in hand-guns, or Cross-bows; for no man may shoot in them unless he can dispend  $\text{£ l.}$  per an. in lands, tenements, offices, annuities, or fees, neither may those shoot at any Wheasant, Partridge, Hens, Duck, Mallard, House-dove, Pigeon, Magpie, Cuckoo, or Heathcock, upon pain of  $\text{x. l.}$  for every shoot, 33 H. 8.

Also by another Law made a Jac. Reg. he that shoots in a Gun, Crosse bow, or long-bow at any of the fowles aforesaid, or at any Harrier

Doe



the statute rogues, viz. Proctors of Spittlehaues, patent gatherers, or collectors for Gaols, prisons, or hospitals, Fencers, Bearwards, common players of enterludes, Minstrels wandering abroad, Glass-men, Baylers, Bouldiers, Schollers, and all other idle persons which go about bagging.

Stocks in every tything.

Also for the punishment of these offenders, you shal enquire if there be in every tything a paire of stocks, according as they ought to be by the statute or no: if there be not, then the tything do lose h. ii.

Artillery to be maintained.

Also you shal enquire whether every one have a bow & Arrows according to the statute, or no: for every man child from 7 years old to 17 ought to have a bow and two Arrows, & every man from seventeen to threescore ought to have a bow & four arrows, upon pain 6 s. 8 d. for every default: & parents ought to provide them for their children, & masters for their servants with their wages, or else they ought to undergo the penalty thereof. 33. H. 8 c. 9.

Buts in every tything.

And also for the exercise of Archers in shooting at times convenient, there ought to be butts made in every Tything, Village, and Hamlet, or else the Tything, Village, or Hamlet ought to lose 2 s. for every three months wanting Butts there.

Rubbish (if it be needful) filling the same up again without danger of Law And they must turn Springs, if they can out of the high wayes, and trees, & hedges which hang over the Kings high wayes must be cut and shedded upon pain of  $\text{r s.}$  for every default.

#### Purprestures and Alsarts.

Next you shall enquire of Purprestures and Alsarts, & that is where any wal, hedge, ditch, or house is set, lebled, or abated in the Kings high way, or any water course stopped or turned into the high way to hinder the passage of the Kings subjects, or any way annoy them. 18 E. 3

#### Bonds and Marks.

Also you shall inquire whether any mear stons or stakes, bonds or marks, between this Lordship, & any other, or between tenant and tenant, hath been removed since the last law day, or before, and not set in the usual place again, if there be any which have offended herein, you must present them.

#### High-wayes or foot-steps stopped up.

Also if any high-wayes or foot-pathes to Church, Mill, or Market be stopped or hedged up, which have bin accustomed to lye open, you must present him or them which shut it up; for the Kings subjects must not be stopped of their lawfull passage to Church, mill, or market.

#### Common Bridges broken.

Also if any Common Bridges over common Streames be broken, that by reason thereof the Kings Subjects cannot passe about their affairs

affaires and businesses, you must present those which ought to make them, upon a pain.

common Pounds broken.

And also if common pounds be broken, so that they will hold no distresse that is brought to them until they be delibered thence by order of law, you must present those which ought to make such pounds upon a pain.

Sleepers by day, and walkers by night.

Also you shal enquire of sleepers by day, and walkers by night, to steal and purloine other mens goods and Conies out of Warrens, fish out of mens several ponds or waters, Hens from henrouse, or any other thing whatsoever; for they are ill members in a Common-wealth, & deserve punishment, therefore if you know any such present them.

Eves-droppers.

Also you shal inquire of Eves-droppers, and these are such as by night stand or lye harkning under walls or windows of other mens, to heare what is said in another mans house, to the end to set debate & dissension between neighbours, which is a very ill office, therefore if you know any such present them.

Forestallers, Regraters, and Ingrossers.

Also you shal inquire of Forestallers, Regraters, and Ingrossers, evil members in a Common-wealth.

A forestaller is he which buyeth or causeth to be bought any victuals whatsoever going to any faire or market to be sold, and maketh any

any bargain for the buying thereof before the same be brought into the fair or Market, or doth make any motion for the enhancing of the price of any victuals, or doth move or persuade any person coming to the fair or market with victuals, to absent and forbear his coming thither with any victual to be sold there.

**Regrator** is he that getteth into his hands in any fair or market, any corn, tallow, or candles, or any dead victual whatsoever, brought to any fair or Market to be sold, & doth sel the same again in any fair or market within foure miles next adjoining thereunto.

**An Ingrosser** is he or she that doth ingrosse & get into his or her hands, by buying or promise taken, other then by demise, grant or lease, of bond or bil, of Corn growing in the fields, or any other Corn, Grain, Butter, Cheese, Fish, or any other dead victual whatsoever to the intent to sel the same again for profit.

For the first offence they ought to have two moneths imprisonment, without bayle or mainprise, and to forfeit the value of the goods bought & sold.

For the second offence they ought to have half a yeres imprisonment, and to forfeit double the value of the goods bought and sold.

And for the third offence they ought to be set upon the pillory, and to lose all their goods and chattels, and be imprisoned, during the Kings pleasure.

Cattel sold within five weeks.

Also you shal inquire of such as use to buy Cattel and to sel them again within the weeks they ought to lose double the value of their cattel.

## Of Butchers.

No Butcher ought to sell in any open fair or Market any other bishnal then that which is good and wholesome for mans body, and for reasonable gains, and not at excessive prices.

## Shoemakers.

They ought to make their shoes, & bootes of good and wel tanned leather, and wel sicoured, curried, and soled, to keep men dry of their legs and e et.

## Tanners.

Also you shal inquire of Tanners that have used the occupation of a Cordwainer, or a Currier, or that hath put any leather to sale, but red leather as it came from the Tanne fat, or that hath put any hide or peece of leather to sale, before it be wel dyed, marked, & sorted, and then then sold in open market, or that hath tanned any sheep skins xx d.

## Glovers.

Also you shal inquire whether Glovers, or white Tanners of Leather do make any other ware, then that which is good and substantiall, wel tanned & dyed, and not rotten nor tainted, & sel the same at reasonable prices: and a White-Tanner may take no Calf Skins except they be put to him to be tanned, upon pain to loose for every calf skin.

## Bakers.

Also you shal inquire whether the Bakers do their duties or not, in making good and wholesome

## Of a Court Leet, &amp;c.

Some bread for mans body, of sweet corn, & not corrupted, & that they make their bread in weight according to the price of wheat, in three markets next adjoining, not changing the assise of bread, but by six pence in weight in increasing or abating, and if they do the contrary, & be thereof duly convicted, then for the first, second, & third time, they shall be amerced after the quantity of their fault, and shall lose from time to time their bread so found too light in weight, but if they shall be found faulty herein the fourth time, then they must be set upon the pillory in open market, whose punishment may not be released for gold or silver.

Also a Baker must set his own proper mark upon every loaf of Bread that he maketh and selleth, to the end that if any bread be faulty in weight, it may be then known in whom the fault is.

## Brewers.

Also you shall enquire of Brewers and Tiplers, whether they make good & wholsom ale & beer for mans body, or not, & sel & utter the same according to the laws & statutes of this Realm. And also they ought not to put out their signs of ale-stake until their ale be assayed by the ale-taster, & then to sel, and not before. 5 H. 3. 51. E. 3.

## Fishers.

Also you shall enquire of Fishers, whether they do their duties or no, in bringing to the Market such fish as is good and wholsom for mans body, & not corrupt and stinking, and there sell the same at reasonable prices, without taking of any excess.

excessive gains, but only for every twelve-pence  
bestowing one penny clear gains over & besides  
their charges, & if any fisher shall do the contrary  
then he shall be grievously amerced from time to  
time, & his fish if it be corrupt & sinking, to be  
taken from him, & openly burned in the Market.  
H. 8. c. 7. 31. H. 8. c. 1.

Also no persons may kill or destroy any young  
fry or fish in whatsoever river, fresh or salt, nor  
kill or take any Salmon or Trout, or any Pike  
or Pickerel not being in length ten inches of  
clear fish or more, nor any Barbel except he be  
twelve inches long in clear fish or more, upon  
pain of xx s. for every fish so taken & killed, being  
not of the several lengths aforesaid.

Also no man ought to fish with any net or en-  
gine angling only excepted, but with such Net  
or Trawl as every mesh shall be two inches &  
a half wide, except Nets only to take Loaches,  
Mennas, Butheats, Gudgeons, Eels, and  
none other fish, upon pain of xx s. for every thing  
offending, and loss of the fish and the unlawful  
Net.

### Conspiracy of Victuallers.

Also you shall inquire of the conspiracy of Vi-  
ctuallers, and that is where any Butcher, Fis-  
her, Brewer, Poulterer, or Cook, shall do con-  
spire, promise or make oath that they will not  
sell their victuals but at certaine prices, or if any  
artificers, or labourers to conspire, promise, or  
covenant likewise not to do the work which  
others have begun, or will do but certaine  
work in a day, or will not work but at certaine  
houres and times, then every such person so con-  
spiring, promising, swearing, and offending,  
being

here to be enquired of, presented and punished.

### Affrayes and blood-sheds.

And therefore because man is the worthiest creature that God made, I will first begin to put you in remembrance of the Law made for his safety and preservation. You shal therefore first inquire if any man within your inquiry have broken the peace or made any affray or bloodshed: if any have offended herein, you must present him or them, & the manner of it, & with what weapon, for that it is forfeit to the Lord of this Leet, & the offender or offenders are to be fined for such offence,

### Hue and Cry.

Next you shal inquire whether hue & cry after thieves & robbers hath bin duly pursued & followed as they ought to have been or no: if not, then you must present him or them which made default therein; for he forfeits v.l.

### Constables and tythingmen to punish Rogues.

Also you shal enquire both Constables & Tythingmen have executed their offices in punishing of Rogues, vagabonds, and sturdy beggars which have come within their charge; for if they have bin remisse therein, then they ought to lose x s. for every default. No man or woman may be suffered to beg by the law, nor no man or woman may give any alms upon pain of x s. for every time they give.

### Who are said to be Rogues.

These persons by particular are said to be by the



types, or other engines, by an old law they forfeit  
6 s. 8 d. for every hare so killed, but by a latter  
law made in the first year of the King that now  
is, twenty shillings.

No Lay man may lawfully keep any Grey-  
hound, or Hunting Dog, ferrets, or Pets, unless  
he can dispend 21 s. per an. Freehold: Nor no  
spiritual man, unless he can dispend 2 l. per  
an. of spiritual promotion, upon pain of a years  
imprisonment.

### Crow net.

Next you shal inquire if there be in every pa-  
rish and Tything within your inquiry a crow  
net provided to kil and destroy crows, rooks, &  
thrushes, according to the stat. or no. If there be  
not, they ought to lose 2 s. for every default, & it  
is not enough to have one, but it must be used &  
scraps made in the winter to that purpose, up-  
on the like pain, but house-doves and pigeons  
may not in any case be taken with it. 5 El. 5. Jac.

### Apparrell.

And you shal inquire of such as exceed in ap-  
parrell contrary to the stat. for no man except he  
may dispend 22 l. yearly in lands for his life at  
the least, or is worth 100 l. in goods, ought to  
wear any silk in his hat, hose, shoes, girdle,  
sabbert, or spurleathers, upon paine for every  
dayes wearing of it 2 l. and three moneths im-  
prisonment: and if any man doth his servant to  
offend herein, and do not put him away, and  
not take him agayne within a yeare after, doth  
forfeit 2 l. for every such offence by the same  
stat. and these persons only are excepted out of  
the

the Stat. viz. The Kings Council, the Barons, the Exchequer Judges of the Law, Serjeants at Law, the R. Physicians, Mayors and Sheriffs of cities and towns corporate, and their wives.

Refuse to go to muster.

Also you shal inquire if any have refused to go to musters, if there be any such they ought to lose p. s. and to have ten dayes imprisonment.

Also no man ought to water any hemp or flax in any running stream, upon pain of twenty shillings.

Also you shal enquire if any man hath received into his service any servant, & hath kept him in the space of a year, & not sworn to the King according to the Statute, his master must be amerced, & the Whistler ought not to receive any man to the communion table before he be sworn to be a liege man to the King. 41 E. 4 f. 26.

Drunkards

Also you shal inquire of drunkards, for they ought to be presented, and to pay if they be able for every time they be drunk p. s. to the use of the poor of the parish where the offence is committed, if not able, then after conviction thereof they ought to sit six hours in the stocks. 17 Jacob.

Also an Alehouse-keeper ought to lose p. s. for every time they sell that is not a full quart, & for suffering any Townsman to sit drinking in their houses, except he be brought thither by a stranger, & then he may not stay there above an hour. 2 Jacob.

And Brewers by the same Law ought to lose for every barrel of Beer or Ale 6 s. 8 d. which they



Also you shal enquire if any man hath given any lands in Mortmain, that is, to any Religious house, or religious person, or to any corporation, guild, or fraternity, without licence, such gift is void, and the Lord may enter by way of Escheat.

Also you shal enquire if the pains laid at the last leet last day be performed or no, if not then you must present them that have made default, & then these pains must be read to the jury. And to conclude, if there shal any other thing come to your knowledge meet to be presented, and by any omitted to be given in charge, you shal as wel enquire thereof and present it as the rest.

Then cause the Wapstiffe to make three proclamations & say thus: If any man can inform the Steward of this Leet, of his inquest of any petty Treason, felony, petty Larceny, breach of Peace, or of any other matter, thing now given in charge, let them come forth and they shal be heard.

And if any do come in, then swear them that the evidence which they shal give shal be the truth, the whole truth, & nothing but the truth. And then help & the contents of this Book, then adioin the Court til after dinner.

Then at your return from dinner call al the Tythingmen and take their presentments.

And then that done take the presentments of the Jury if they be ready with them, or else give them time to bring in their presentments, and then commit them to the best service done.

Then swear al the Officers to their solemn

offices

Juries that are then and there to be sworn.

Then adjourn the Court until the day given to the Jury to bring in their presentments, but if they have no day given them, you may discharge the Court by Proclamation thus videlicet, according as other Courts are discharged.

Then at the day when the Jury delivers in their presentments, you must first call them by their names, to see if all be there, and then ask them if they be agreed of their presentments. If they say they be, then receive their presentments in writing in English under their hands by the Steward's warrant, & the Steward must turn them into Latin in this manner, not altering the substance thereof, viz.

*Archiatus in misericordia.*  
Item present. quod R. W. 12 d. et J. D. 12 d. sunt cōes & ceteros cervicia, et blaciaver. per diversas vias & cervicia insalubre et freger. als. Ideo quilibet eorū in misericordia prout patet super eorū capit.

*Tipulator in misericordia.*

Item present. quod E. W. 12 d. et W. X. 12 d. sunt cōes & ceteros tipulator cervicia, et per diversis mensuris vendiderunt cervicia, et freger. Ideo uterque eorū in tibi. Prout patet super eorū capit.

*Panapenit.*

Imprimis ordinat. est, quod R. B. faciat et decorat fossat suā apud inferiōre. sine de grent hil field contin' per estimat. xx. particat. citra fest. Nativit. sancti Jo. Bapt. prox' futur. sub pena pro quolibet particat. inde &c.

*Col.*

*Telen.*

Item present quod A: B: de J. praed. y. consuetudinali &c. apud I. infra jurisdictionem hujus Cur. clausis & domum ejusdem Q: D. q. fregit et sinxit et cum quidam K. C. filiam &c. in pace dei et dom. R. existeret, insult. fecit et ipsum et armis ad tunc & ibi. contra voluntatem suam rapuit et eam in domum cognovit contra pacem &c. Item present quod A: B: de J. praed. y. consuetudinali &c. apud I. infra jurisdictionem hujus Cur. circa nona nona in nocte ejusdem diei domum et mar-

Item present quod A: B: de J. praed. y. consuetudinali &c. apud I. infra jurisdictionem hujus Cur. clausis & domum ejusdem Q: D. q. fregit et sinxit et cum quidam K. C. filiam &c. in pace dei et dom. R. existeret, insult. fecit et ipsum et armis ad tunc & ibi. contra voluntatem suam rapuit et eam in domum cognovit contra pacem &c.

Item present quod A: B: de J. praed. y. consuetudinali &c. apud I. infra jurisdictionem hujus Cur. circa nona nona in nocte ejusdem diei domum et mar-

bonem cuiusdam C. D. ut felo domini regis fecit  
et interivit ea intentione ad spoliand. Prædict.  
C. D. et sex angelos aureos de bonis et catallis  
prædict. C. D. ad tunc et ibidem in quadam claua  
existens felonice cepit et asportavit contra pacem  
&c.

**Robbery.**

Item præsent. quod E. F. de I. prædict. Laborer  
al die &c. apud J. infra jurisdictionem huius  
Cur. vi et armis, ac contra pacem &c. in quen-  
dam Tr. B. apud &c. infra jurisdictionem hu-  
ius Cur. in regia via ibidem in pace dei et domini  
regis existentem insultum fecit et ipsum Tr. B.  
ad tunc et ibidem spoliavit & sexdecim solidos  
& unum angulum aureum de bonis & catallis  
prædict. Tr. B. in quodam marisio suo ad tunc et ibi-  
dem existentia a persona ipsius Tr. felon. cepit et  
asportavit cont. pacem dom. reg. coron. et dignita-  
tis &c.

**Hutellum.**

Item præsent. quod præd. Tr. B. existent. spoliavit  
magnam Hutell. et proclamationem et  
preceptum E. tanquam felo dicti dom. regis dict.  
dec. annos præd. loco ubi sic spoliatus fuit recenter  
requebatur usque ad p. x. villam de &c. et ad nul-  
lum in habit. ibidem præd. felon. doper hunc præd. in-  
quirebatur et sic prædict. felo evasit in dict. Dom.  
regis contempnit. ac contra formam stat. de Wington.  
in nullum mod. cave edit. et provisi. ideo præd. villa de  
&c. in null. &c.

**Fugam fecit.**

Item præsent. quod E. L. de I. præd. Yeoman  
ali die et anno &c. apud J. infra jurisdictionem  
huius



hujus cur. quendam spadonē coloris albi pretii &c. de bonis et catallis cujusdam A. B. in communi campo ibidem existenti felonice furat. fuit cepit &c. abduxit. Et quod præd. E. L. pro feloniam præd. se retraxit et effugit, ideo præcept. est ballivo seiscire duas vaccas de bonis et catallis præd. E. J. tanquam escaet. et domino forisfact. et qd. salvo custodiantur ad usum dom. vel sihi sit pro rege ad usum Dom. Regis.

*Escape.*

Item present. quod cum quidam B. Rides J. præd. yeoman capt. fuit et arreat. pro suspicionem cujusdam felonie et in cippis posit. quidam J. F. de li præd. Laborer tali die et anno &c. apud J. prædict. cippis vi et armis ac felonice fregit et præd. B. R. ad tunc et ibidem evadere ad largum ire permisit contra pacem. Ideo præcept. est ballivo ut prius &c.

*Felon in Rescuff.*

Item present. quod T. I. de J. præd. infra jurisdictionem hujus cur. unum vitulum pretii &c. de bonis et catallis cujusdam I. B. ad tunc et ibidem invent. felonice cepit et asportavit. Et quod VVO ballivus manerij præd. tali die et anno &c. apud J. præd. præd. T. I. pro suspect. felonie præd. arrestavit et quod W. F. de J. Laborer vi et armis &c. apud J. præd. dict. die et anno in præd. W. O. in pace dei et dicti dom. regis existenti. insultum fecit et præd. T. I. in custod. præd. W. ad tunc et ibi felonice cepit arripuit et rescuffit et ad largum ire permisit contra pacem etc. Ideo præcept. est ut supra etc.

*Felon Copandus.*

Item present. quod A. B. de J. præd. yeoman tali die



die et an. &c. apud infra jurisdictionem hujus cur. circa horam primam in nocte ejusdem diei quoddam columbare cujusdam fregit et intravit et quadraginta columbas pretij &c. de bonis et catall. &c. felon. cepit & asportavit contra pacem, &c. ideo &c.

*Felon. Dame domestica.*

Item present. quod J. W. de I. præd. generos. tali die & anno &c. apud I. infra jurisdictionem hujus cur. quandam damnam domesticam et gerent. caperanam circa collum suum pretij &c. de bonis et catall. cujusdam &c. ad tunc et ibidem invent. felonice cepit et asportavit contra pacem &c. ideo prec. est ballivo ut supra &c.

*Felon. trunco fracti.*

Item present. quod I. L. de I. præd. yeoman tali die &c. apud I. prædict. infra jurisdictionem hujus Cur. circa horam primam in nocte ejusdem diei quendam truncum cujusdam &c. fregit et intravit et decem pisces vocat. Pykes, prec. &c. de bonis & catall. quod &c. a trunco ejusdem &c. ad tunc et ibidem felonice cepit et asportavit contra pacem &c. ideo &c.

*Petij Larcenie.*

Item present. quod P. I. de I. præd. yeoman tali die &c. clausum cujusdam &c. apud I. fregit et intravit et unum mantil' voc. a Towel valoris vi. s. de bonis et catall. præd. &c. ad tunc et ibidem invent. felon. cepit et asportavit. ideo &c.

*Venditio in cemeterio.*

Item present. quod W. B. et T. B. de I. præd. Carnifices tali die &c. infra prædict. vil. Franc. Pleb.

Pleg. posuerunt carnes suas et alia venalia in ecclesia et cimiterio de L. præd. ad vendendum easd. quæ ubi divina servitia celebrantur, et humana corpora sepeliunt vendider. contra formam stat. de Wini. in hm. di. casu edit. prope vii. ideo ipsi in misericordia &c.

### *Catalla waiviat.*

Item præsent. quod quidem M<sup>r</sup> S. veniebat infra jurisdictione huius Cur. et huc attulit quedam bona et catalla. per ipsum furat. viz. unum inducen. linen. valoris &c. et diversis alijs vestiment. Angliee *One smock, one petticoat, and one shirt.* quæ omnia præd. valenc. xx s. et non amplius et quæ omnia et singula huc per præ<sup>r</sup> M. allat. et eadem M. hic infra jurisd. huius manerij illa waynavit. reliquit et aufugit per qd omnia bona et catalla præd. pervenerunt dom. istius manerij super præd. præcept. fuit ballivo seorsum in manus dom. tanquam elcaet. et domino satisfact. et sic fecit et bona et catalla præd. fuer. deliberat. domin. in ista cur.

### *Communis finis.*

Item dic. quod dant domin. de l. certo pro comune fine ad hunc diem ex antiqua consuet. 6 s. 8 d.

### *Defalt. decimar.*

Item præsent. super eorum sacrament. quod R. R. W. et J. W. sunt rogantes infra. precipi. vii. Franc. Pleg. præd. Et ad hunc diem fecer. defalt. ideo quilibet eorum in mi'a prout pater super coram capit.

*Non jur. in decim.*

Item præsent. quod R. R. W. et J. W. et alii.

B. & W. Gl. & d. in habita veris infra praecinctibus  
vil. franc. pleg. per spac' unius anni et diei et ampli-  
us, et non jurantur dom. regi. pro legancia sua. ideo  
quolibet domus in ini' a p'bu' pater super eor' caput.

*Nocumet' frondes.*  
Item present' quod R. O. de J. pred. Yeoman, di-  
rent' eor' cursum cuiusdam R. ivole d'neri. per dom-  
cujusd. T. H. extra rect. curs. quo solebat currere. Ideo  
prec. est dimittere rivol' ill' currere in suo recto et  
pristino cursu citra festum &c. sub poena &c.

*Nocumet' frondes.*  
Item present' quod est. quod. sepes de magna  
cassitudine et quod frondes inde pendunt ultra ve-  
nellam voc. Kings lane ad nocumet. carriag. ultra  
eandem vellam curiand. in defect. VV. C. ideo  
prec. est ei succindere sive vattputar. sepes ill' citra  
festum &c.

*Nocumet. guttura.*  
Item present. quod est quedam guttura ducens a  
domo sive coquina T. le per quam sordida sive aqua  
supra dicta coquida est conduct. in regia via ad gra-  
re nocumet. regia via. et omnium carriag. ultra eam  
sem. curiand. per popul. dom. regis id est p'co. est  
ei amovere sive obstupare illa citra fest. &c. sub poena  
&c.

*Communis via.*

*Communis via.*  
Item present' quod communis via dudum per cam-  
pam voc. le Rtebende field. est communis via ad ductu  
maequiand. & sic. via. cuius tempore. cuius. codi-  
cis. memorat. hominibus non existit. Et quod pot. op-  
pus. existit. ultra. ulterior. per. debet. hanc. manus  
obscure. quod. per. sententia. Be. modo. non. super.  
non. per. est. terru. ten. tando. postam. est. pont. em-  
cmen-

emendare et reficere ante festum &c. sub poena &c.

*Nocument' Sterquilini.*

Item present' quod R.W: crexit quoddam Sterquilin' adversus domum suam prope regiam viam ad nocument. popul' Dom. reg. ideo prec' est ei amovere et abscuriare ill' citra fest. &c. sub poena &c.

*Nocument' fossat.*

Item present. quod est quodd. fossat. inscurat. & immundat. in defect. R:S: ad nocument' &c. ideo ipse in misericordia 12 d. Et precept. est ei escuer. five inundare ill' citra fest. &c. sub poena &c.

*Hospitatrix meretricum.*

Item present. qd A:B: vidua est comm'is hospitatrix et receptrix meretricum et mulier. malæ famæ et conversationis ad grave nocument. vicinorū suarū ideo amerciatu 2 s.

*Objurgatrix.*

Item present. qd N.C: vidua est comm'is objurgatrix cum vicinis suis et comm'is fractrix. septim' & custodit quend. W:C: filium suum in domo sua. Et ipse non est de bona fama five gubernationis, ideo ipse in misericordia prout patet super &c.

*Trespasse.*

Item present. quod quidam A:B: serviens WIC: ball' domi. ut fuit deducens cert. catall. cujusd. G: usque ad parcum domi. ibidem imparcare, venit quidam D:P: cum violenc. magna in parcum præl. cum uno gladio valor. 5 s. et ad tunc et ibi. præl. A:B. percussit eum eod. gladio super caput ejus, & effudit sanguin. super eundem A. B. occasione cujus

peruſſionis præd. B: cecidit ad terr. quaſi mortuus eſſet, ideo præd. D. P. in mi'a, et aſſer. per capital, pleg ad 5 s.

### *Treſpas et verberatio.*

Item præſent. qd J. S. fecit aſſraiam infra' juridiſt. hujus cur. & traxit ſanguinem, ideo ipſe in mi'a 6 s. 8 d.

### *Defalt. de Conſtabi.*

Item præſent. qd W: G: eſt Conſtabular. et non eſt hic ad viſ. franc. pleg, ad præſentand. id quod ad ad officium illud pertinet. ſed fecit defalt, ideo ipſe in mi'a 3 s. 4 d.

### *Common appretiatores.*

Item præſent qd R. B. et W: G: ſunt communes appretiatores, et debent eſſe hic ad præſentand. id qd ad offic. illud pertin. et fecer. default. ideo ipſi in mi'a 3 s. 4 d.

### *Scrutores vitul. defal.*

Item præſent. præd. R. R. et C. D. ſunt ſcrutator. vitul. et eſſent hic ad viſ. franc. pleg. ad præſentand. id qd ad offic. illud pertinet, et fecer. default. ideo uterque eorum in mi'a 2 s.

### *Eſcorates vicorum defalt.*

Item præſent. quod T. J. et W. J. ſunt eſcoratores vicorum, et debent eſſe hic ad viſ. franc. pleg. & fecer. defalt. ideo uterque eorum in miſericordia 6 d.

### *Extrabura.*

Item præſent. ſuper eorum ſacram. qd xx die Maij, an. regn. &c. veniebat infra dominium iſtud unus equus

equus coloris gray. et extrahura et remane in custod.  
X. M. ad proclamand.

Item present. quod est unus Pullus color. bey. 22.  
tis quatuor an. live plus qui veniebat infra dominiu  
istud extrahura 9 die Sept. anno regni &c. pretij 24  
s. et remansit in custod. ballivi mei per spaciu unius  
anni et unius diei post tres proclam. per tres severa  
les dies fact. secund. formā statuti. ideo proprietates  
jurdem Pulli est in dom.

*Pistor in misericordia.*

Item present. quod W. M. 12 d. et R. B. 12 d. sunt  
coes pistoris humani panis et per diversas vices in  
suerunt panē insalubre, et fruger. als. ideo uterque  
eorū in mi'a prout patet super eorum capit.

*Brachiat in misericordia.*

Item present. quod R. W. 12 d. et J. D. 12 d.  
sunt coes brachietores cerviciz, et braciaver. per  
diversas vices cerviciā insalubre et fruger. als. ideo  
quilibet eorū in misericordia prout patet super eorum  
capit.

*Tipulator in misericordia.*

Item present. quod E. W. 12 d. et W. X. 12 d.  
per eorum uxores sunt coes tipulator. cervic. et  
illicitas mensuras vendiderunt cerviciā, et fruger.  
als. ideo uterque eorū in mi'a prout patet super eorum  
capit.

*Panagone.*

Imprimis ordinat. est, qd R. B. faciat et elcoga  
folsat suā apud inferiore finē de great hil field con  
tin' per estimat. xx. particat. citra fest. Nativit. sancti  
Jo. bapt. prox. futur. sub pena pro quolibet parti  
cat. inde 3 d.

Item ordinat. est. quod J. Myrreformat. et expo-  
nat quandā pacel. terre nuper per illum incrochiat.  
inter wash lane et Pickham common. ante festū om-  
niū sancti prox. futur. sub pōna. quolib. particat. non  
informar. aq. expolit. 20 d.

Item ordinat. est. quod nullus permitt. averia sua. viz.  
boves vel vaccas suas. transire. et pascere super com-  
munia huius dom. seu in vineillis eade manerio per-  
sonis. quilib. custod. sub pōna. forisfact. dom. per que-  
lib. eorum pro quolibet tempore. 2 d.

Item ordinat. est. quod W. J. amoveat Sterquil-  
inum suum. nec per regiam. viam. ad verius domū  
manerio fest. Ralch prox. sub pōna. forisfact. decē  
solid. dom. huius mansu.

Item ordinat. est. quod J. E. fac et manuceat pon-  
tem in elan suo voc. greas Colmans. in via decen-  
tial. con. ul. no. W. sub pōna. forisfact. dom. 1 s.

Item ordinat. est. quod quilibet iugulat vel anulat  
porcos suos annū festum sancti Michaelis. Archie-  
piscopus pariter. & ceteri. in parces. hic iugulat. sive anu-  
lat. ante festum sancti Joh. Baptiste. tunc prox.  
veniens sub pōna. forisfact. doming. pro quolibet  
porco. & ceteris. festum annū. tres solidi. & quart.  
denar.



Then there rests no more to be done at a Lect  
or a law day, but to minister to every officer his  
particular oath, & first the Mayors oath, if there  
be one there, & that must be thus:

The Mayors oath,

**Y**ou shall swear that you will & truly shall  
serve our sovereign Lord the King, & his  
liege people in the office of a Mayor, & as Ma-  
yor of this Town & Borough of P. for & during  
the space of one whole year now next ensuing,  
you shall minister equal Justice as well to the  
poor as rich, to the best of your cunning, wit, &  
power, & ye shall diligently procure such things to  
be done, as may honestly & justly be to the profit,  
and commodity of the corporation of this town,  
& also endeavour your selfe to the uttermost of  
your power to see all heresies, treasons, felonies,  
& all other trespasses, misdemeanors, & offences  
whosoever to be committed within this town  
& borough, during the time of your office, to be  
repressed, reformed, & amended, & the offenders  
duely punished according to the law. And finally  
you shall support, uphold, and maintain the  
Common weales within this Town, preserve the  
customs, rights, liberties jurisdictions, fran-  
chises, compositions, and all lawful ordinances  
of this town & borough, and as concerning  
other things appertaining to your office, you  
shall therein faithfully & uprightly behave your  
self for the most governance, benefit, worship, re-  
medy, & credit of this Town, & the inhabitan-  
thes thereof, so help you God, & the holy roman  
that book.



His Oath for the supremacy by the statute of  
1 Eliz. c. 1 Jac. Regis.

I A. H. do here testifie and declare in my consci-  
ence, that the Kings highnesse is the only Suprem  
Governour of this Realm, and of all other His  
Highnesse Dominions and Countreys, as well in  
all Spirituall or Ecclesiasticall things or causes, as  
Temporall, and that no forrein Prince, person, Pre-  
late, State, or Potentate, hath or ought to have any  
jurisdiction, power, superiority, preheminence or  
authority Ecclesiasticall or Spirituall, within this  
Realm. And therefore I doe utterly renounce and  
forsake all forrein jurisdictions, powers, superiori-  
ties and authorities whatsoever, and do promise that  
from henceforth I shall beare faith and true allegi-  
ance to the Kings highnes, His Heires and law-  
full Successors, and to my power will assist and de-  
fend all jurisdictions, privileges, preheminences  
and authorities granted or belonging to the Kings  
highnes, His Heires, or Successors, or united  
or annexed to the Imperiall Crowne of this  
Realm, so help me God and the contents of that

The Oath of the Recorder.

I Ousehal sweare that you will wel & truly  
serve our Sovereign Lord the King, and  
his Justices, aldermen, and burgeses of this towne  
of London, in the office of Recorder, &  
as the Recorder of this towne and borough of London,  
shall be faithful and iust, & give good advice  
and counsel unto the mayor, aldermen, and bur-  
geses of this towne, for and concerning any mat-  
ter or cause that shall concern or touch the fran-  
chises,



to help you God and the contents of this book.  
 ye must also take the Oath appointed by the  
 Statutes in the Supremacy.

The Oath of the Coroner, if there  
 be any.

**I** do shal swear, that you well and truly  
 shall be the our Sovereign Lord the King,  
 his liege people in the Office of a Coroner, as  
 Coroner of this town and borough of B. and ye  
 shal diligently & truly do and accomplish al  
 every thing & things appertaining to your Of-  
 fice after the best of your cunning, wit & power,  
 in the most quietnes, profit, ease, and credit of  
 this town, & the inhabitants thereof, taking such  
 fees as you ought to take by the laws & Statutes  
 of this realm, to help of God, & the contents of  
 this book.

Ye must also take the Oath appointed for the  
 Supremacy.

The Oath of the Receivers.

**I** do shal swear that you well and truly  
 shall be the our Water, Aldermen, and Bur-  
 gesses of this Town of B. in the Office of Re-  
 ceivers, and as Receivers of the same Town  
 in and during the space of one whole year next  
 ensuing, and ye shal reasonably and ho-  
 nestly procure the profit of the Corporation of  
 this Town, in those things which touch your  
 Office; and ye shal also well and truly collect,  
 pay and gather al and al manner of Rents, Tre-  
 asures, Casualties, Duties, and other by-  
 law into the said Office, and the same shal  
 deliver and deliver and true declaration and  
 account thereof make at the time appointed for  
 payment

payment & accompt thereof to be made, without  
concealment: & further you shall diligently give  
attendance to the Mayor of this town & cor-  
poration according to ancient Custom, & every o-  
ther thing belonging to your office you shall wel  
& truly doe & accomplish to the best of your skill,  
or power. So help ye God and the contents of  
this oath.

The Oath of the Chamberlain and  
generall Receiver.

**Y**ou shall swear that you wel & truly shall  
serve the Mayor Aldermen & Burgesses of  
this Town and Borough of S. in the office of  
Chamberlain or general receiver of this town  
and therein you shall do right to all manner of peo-  
ple both poor & rich in those things which com-  
paign your office, the receipt of the money due or belon-  
ging to the Mayor, Aldermen, and Burgesses of  
this town and corporation, you shall truly and  
safely keep, & have alwayes in a readinesse to  
the use & behoof of the corporation of this town  
whenever occasion shall be, & not to be  
dispensed the same, but must true & lawfull ac-  
count thereof, when you shall be thereunto requi-  
red without concealment, according as the same  
shall be to you committed in that behalf. So  
God you help, &c.

The Oath of a Burgeſſe.

**Y**ou shall swear that you wel & truly shall  
serve our Sovereign Lord the King, his  
Heirs and lawful Successors, and the  
Burgesſes of this Town & Borough of S. in  
the Burgesſes of this Town, and that you  
shall equal Justice to poor and rich, after the

of your cunning, wit, and power, and also that  
 you shall truly observe, perform, fulfil, and keep  
 all such good orders, rules, and compositions, as  
 shall be made, ordered, or established by the  
 Common Council of this town for the good  
 government thereof in all things to you apper-  
 taining, and you shall not utter or disclose any  
 counsel or secret thing or matter touching the  
 fellowship or corporation of this town, whereby  
 any prejudice, losse, hindrance, or slander shall or  
 may arise, grow, or be to the same corporation,  
 but you shall in all things belonging to the fel-  
 lowship and corporation of this town, faith-  
 fully, honestly, and indifferently behave your  
 self for the most benefite, weal, and honesty of  
 the town, & the inhab-  
 itants thereof: So God  
 send.

The like Oath is to be administered to an  
 Alderman, *mutatis mutandis*.

The Oath of the Councillables,  
 You and either of you shall swear, that you  
 and either of you shall serve the Kings Ma-  
 jesty, and the Mayor, Aldermen, and Burges-  
 ses of this town and Borough of B in the of-  
 fice of Councillables, & as Councillables of this  
 town, for and during the space of one whole  
 year now next ensuing, you shall endeavour  
 your selves to the uttermost of your powers, to  
 the keeping & maintenaunce peace to be kept, and  
 good and true obedience and kept in this town  
 which hath been accustomed, and as ought to be  
 kept, you shall endeavour your selves to learn  
 and understand the contents of the Statute of  
 the said, and others other Laws & Statutes  
 of this realm, made for the punishment of rogues

pagebonds, and sturdy beggers, haunting and  
relouing within the precinct of your office, and  
punish the offenders accordingly. Also you shall  
punish all such persons as do or that play at any  
unlawful games, according to the Stat. in that  
case made and provided. You shall also have re-  
gard for the maintenance of Bretherie within  
your said office, and that you shall do and accom-  
plish to the uttermost of your powers. So do  
you God, &c.

### The Oath of the Serjeants.

**Y**ou and either of you that swear, that you  
will and truly shall serve the Mayor, Sher-  
men, and Burgesses of this Town, in the office  
of a Serjeantship, and as Serjeants of the  
Town, for and during the space of one whole  
year, now next coming; and you that will and  
truly serve, do, and execute al and all manner  
precepts, warrants, and commandments to you  
either of you to be lawfully given & directed,  
touching or concerning any matter cause,  
or place to be moved, had, or depending in  
the Court of the Mayor, Shermen, and Burgesses  
of this Town, according to the Liberties thereof,  
large and small make due return and answer  
therunto, and make Certificate thereof,  
according to the effect of such precepts, warrants,  
and commandments, taking thereto your  
oath or feith, and none other. And you  
shall diligently give attendance unto the  
Mayor, and wait on him, as hath been  
customed, and as you ought to do, and do  
commandments and messages truly to be  
done or after the same, so that it may be  
lawful or hurtful unto the said Mayor, Sher-  
men, and Burgesses.

any other : and likewise you shall give attendance and be ayding and assisting unto the Constables of this Town, in any thing that they or either of them shall reasonably & lawfully command or bid you to do : and you shall diligently and truly do all other things appertaining to your said office, to the uttermost of your power. So help you God, and the contents of this Book.

### The Oath of a Free-man.

**Y**ou shall swear that you shall be true liege man, and true faith and truth bear to our Sovereign Lord the King, h's Heires, & lawful Successors, & to your power shall ayd and assist the Mayor & other officers of this Town in the time being, & to them that be obedient & attendant, concerning such things as they may of them shall lawfully and reasonably bid or command you to do : you shall also well and truly observe, perform, fulfill, and keep such Orders and Rules as are & shall be made and established by the Common Council of this Town, for the good government thereof, in all things to you appertaining : you shall also give, yield, & be contributory to & to the Corporation of this Town, so far forth as is thought or shall be chargeable to do, and you shall not by colour of your freedom, bear out, nor suffer under you any foreign person or stranger, nor according to the best of your skill, wit, courage and power, you shall uphold & maintain all Liberties, Franchises, good customs, rights, and privileges of this town & corporation. So help you God, &c.



## Of a Court Leet, &amp;c.

The Oath of the Tything man or petty  
Constable.

**T**he Oath of the Tythingman or petty Constable is in al points, as the Oath of the Constable mutatis mutandis, saving further that the Tythingman must be sworn to be attendant on the Constable when he shal execute his office being theraunto required.

The Oath of an Ale-taster.

**Y**ou shal swear that you shal wel and truly serve the Kings Majesty, and the Lord of this Leet in the office of the Ale-taster, or Assessor of this Liberty and Hundred for this year to come: you shal duly and truly see from time to time that the bread brought to be sold be truly weighed, and that the same do containe such weight, according to the prizes of wheat, as by the statute in that behalf is provided: likewise you shal have diligent care during the time of your being in office, to all the Brewers & Tasters within your office, that they, and every of them do make good and wholesome Ale & Beer for mans body, and that the same be not sold before it be assayed by you, and then to be sold agreeable to the prizes limited and appointed by the Kings Justices of Peace, & al faults committed or done by the Brewers, brewers, or Tasters, or by any of them, you shal make known & present the same at this Court, whereby punishment may be inflicted upon them for their offences accordingly, and in every other thing you shal wel and truly behave your self in your said office for this year to come. So help me God, &c.



## The Oath of Fealty to a Freeholder.

**Y**ou shal sweare by the contents of that book, that you wil be true & faithfull to the Lord of this Manoz, & shal from hence forth bear, do, and pay to your said Lord, & to his heires, at terms assigned, al such Rents, Customs, & Services as you ought to pay & do for al such Lands & Tenements as you claime to hold of him. So help you God, &c.

## The Oath of the Youngling.

**T**his hear you the Steward and the Court that I shal sweare, that I wil be true liege man and true faith and truth bear to our Sovereign Lord the King that now is, and to his highnesse heires and lawfull Successors Kings or Queens of this Realm of England, and of other his Dominions depending on the same: and I shal with al my power, wit, and endeavour defend and maintain his highnesse right and title of this Realm and dominions against al forrein Princes and forrein Potentates, and shal notelong nor treason commit, nor therunto assent, but as soon as any treason shal come to my knowledg, I shal make the same to be known to the Kings highnesse, his heires, and successors, or to his highnesse most honourable wihy Councel, or to such as have or shal have Rule and Government ober his highnesse Subjects (which commonly are the Justices of Peace) within four and twenty houres next and immediately after it shal come to my knowledg, and shal bee obedient to al the Kings maiesties Laws, Statutes, and iudges proceeding from the same, and in al things I shal wel and truly behave my

my self, like a true and faithful Subject during the term of my natural life. So God me help, &c.

The Oath of a Desnier.

**Y**ou shall swear that you &c. from this day during your life, shall be faithful, & loyal to our Sovereigne Lord the King, & to his heirs; and true faith, and loyalty you shall bear of life, membre and terrene honour, and you shall hear of no hurt or damage that may befall them, but you shall disclose it, & to the uttermost of your power you shall defend them. So God you help, &c.

The Oath of the Heyward.

**Y**ou shall swear that you shall well and truly serve the Kings Majesty, and the Lord of this Leet in the Office of a Heyward for this year to come: you shall duly & truly execute all such Attachments and other Process as shall be directed unto you from this Court: and you shall from time to time signify & present all such Pound breaches as shall happen to be made within your office. And likewise you shall present all such Cattel estrayed, as shall usually come into your office, and in every other thing well and truly behave your self during the time aforesaid. So God you help &c.

The Oath of the Assessors.

**Y**ou and either of you shall swear by the contents of this Book, That you will truly and indifferently ear, assess, and deliver all the Assessments as are presented at this Court, wherein you shall spare no man for love, favour,

a Justice,

offence, or corruption, nor sale or intaunce upon any man (of malice) more grievous punishments then shal be thought reasonable, according to the quality of the offence, and the faults committed, and not otherwile: So help you God, &c.

Then must the Steward command al men to stand by, & the two Officers to stand as near him as they can, & he must read unto them every prementment that ought to be assied, & so that they may rate them accordingly untill they have war, and then discharg the Court thus:

#### Conclusion.

The Bayllif must make an Oyes, and say after the Steward thus: If any man have any more to say at this Court, let him come in, and he shal be heard: or else every man may depart for this time in Gods peace and the Kings, and keep your day here according to custome, if it be a customary Leet, otherwise it must be upon a new warning. And so God save the King, & the Lord of this Leet or Lam-day, & make us al his servants, Amen.

Now toll I shew you how Mannors took their beginning, and within what Mannors a Court Baron shal or may be kept, and within what Mannors they may not, as followeth.

Perkins fol. 127. sayth, That the beginning of Mannors was when the K. gave a thousand acres of Land, or more or lesse, to a man & his heirs, to hold of him and his heirs for ever. And before the sta. of Quia emptores terra um, a man seild of Land, infeoffed another of ten acres, another of twelve Acres, a third of twenty Acres, to be holden of himself, & the tenants to

thereupon outlawed for the felony, in this case the King must have annum, diem, & vassum in his Land, & after it ought to come to the Lord by Wicheat.

Also if any Coptholder hath committed felony, and thereof hath been attained as is aforesaid, then the Lord may enter into his Copthold for a forfeiture.

Also if any Coptholder hath leased his Copthold for any longer time than a yeare and a day without the Lords licence, it is a forfeiture of his Copthold, unless he may do it by the custom.

Also if any Coptholder deny to pay his rent, or deny to come to his Lords Court, or deny to be sworn of the homage, or deny to go with his Lord to suppress Rebels, every one of these defaults is a forfeiture of his Copthold.

Also if any Coptholder hath sold any of his copthold Land by deed, and made liberty of seisin thereof according to the deed, it is a forfeiture so much as he hath sold.

Also if any Coptholder hath cut down any timber trees within his copthold without licence, or lopped any Timber trees there at any unreasonable time of the year, by reason whereof they die, either or both is a forfeiture of his Copthold.

Also if any Coptholder suffer his Copthold tenement to decay and fall down for lack of reparations it is a forfeiture of his Copthold.

Also if a Coptholder be a Recusant, if his Lord also be not a Recusant, he ought to forfeit his Copthold estate according to statute Law made anno 31. El.

Also if any Coptholder have surrendered his Copthold tenement into the hands of two of the tenants since the last court to the use of any person

tem Dom. secundum consuetudinē Manerij, An-  
 no those feignories are called Wansis, & the  
 Court Barons kept to grant Coppens-  
 late, otherwile they cannot be granted by Cope  
 but by lease they may, & by that means a Wa-  
 nsis will be utterly destroyed.

*The manner and form how to keep  
 a Court Baron.*

**C**ur. Baron. I. F. et P. uxor. ejus ibid. tene-  
 duodecim. die Octobris, anno Regni dom.  
 nostri Jacobi, Dei gratia Angliz, Scot. Franz, &  
 Hibern. Regis, Fidei Defensoris, &c. viz. An-  
 gliz, Franciz, & Hibern. decimo quint. et Scotiz  
 quinquagesimo primo, per me J. W. Seneschal  
 ibidem.

Then command the Baplist to make an Oyes,  
 say after you thus, Al manner of persons that  
 have any thing to do at this Court, to be near  
 & give your attendance, & if any man will be es-  
 cused or enter any plaints, let them come forth  
 and they shal be heard.

Then let the Baplist say after the Steward,  
 Shewes & proffers of suit or plea three times  
 to this Court, and if any will be escused, let  
 the essoine for suit of Court be entred thus,

J. S: Effoin. est. pro sect. Cur. per T: D:

And if any will enter any plaints, then let them  
 enter their plaints thus:

W. K. queritur versus J. H. de placito debiti vel  
 mulieris vel captivis injuste detentionis averio-  
 rum suorum, vel similia.

Then tell the Freeholders, and so many as  
 make

make default, present their names and mathe  
them oberthe head thus.

mi'a ij. d.

mi'a ij. d.

Richardus VV. Miles, & M. B. generos. sunt li-  
ber. tenent. hujus Cur. & fecer. default. Ideo inter-  
que eorum in misericordia prout patet super eorum  
capit.

{ VVill. Kelsey.  
Ioh. Vallor.  
Rob. Corse.  
Jo. Mathew. }

{ Ioh. Newman.  
Matheus Bull.  
Ioh. Holt &  
Thomas L. }

Jur.

Jur.

### The Foremans Oath.

**Y**ou shal sweare that you as foreman of this  
homage, with the rest of your fellows, shal  
duly inquire, and true presentment make of all  
such Articles and things as shal be giben you  
in charge, and therein you shal spare no man  
for love, favour, or affection: nor present any  
man for malice, hatred, or envy, but according  
as things here presentable may or shal come to  
your knowledge, by information. or otherwise,  
so shal you make thereof true presentment with-  
out concealment. So God you help, & the con-  
tents of this book.

Then cal the rest of the homage, & swear  
them by four at a time thus: The same Oath  
that VV. Kelsey your foreman hath taken before  
you on his part, you and every one of you shal  
obey & keep of your parts. So help you God  
and the contents of this book.

Then let the bayliff cal them by name, & bid  
them stand neer and hear their charge.

An Exhortation to the Jury before  
the Charge.

And you that be sworn, before I enter in-  
 to your Charge, I purpose by Gods as-  
 sistance to deliver unto you the causes of your  
 doubts here together, which are two: One  
 is, for that you hold Lands of the Lord of this  
 Mannor, some as Freeholders, & some as Co-  
 tyholders, and therefore by reason of your te-  
 nures you ought to appear at this Court so of-  
 ten as it shal be kept, and here to do your suit  
 and service, or else to be amerced: and the other  
 cause of your coming hither, is to get know-  
 ledge by hearing of the Laws and Customs of  
 this Court dilated upon unto you, and hereby  
 you may be the better taught, instructed, and e-  
 nabled to know how to perform your duties  
 in doing well and shewing evil, and for  
 that you shal the better consider and enquire of  
 all ancient althings which are now here pre-  
 sentable, I have administered unto you a corporal  
 oath, to stand upon Truth, Judgement, and  
 Justice: It standeth upon truth, for that you  
 shal be to present nothing but the truth, and  
 shal not to omit any thing that is true  
 and presentable here unpresented: It standeth  
 upon Judgement, that you do not present any  
 thing rashly or unadvisedly, but certainly to  
 know the truth thereof before you be present  
 it: It standeth upon Justice, that you be not  
 swayed, & moved, by favour of money, or  
 other reward, for sake of any mans displeasure,  
 loss, and private gains as you shal, let  
 nothing unpresented that is here presentable,



neither for malice to present any thing contrary to the truth. These three principal things you ought duly to consider of, and so hoping that you will have a special care thereof according to your oaths and duties, and the trust that is reposed in you, I will cease to trouble you any further at this time by way of exhortation, & proceed to your Charge.

### The Charges

**F**irst, you shall enquire whether all such persons as owe suit & service to this court be here to do the same or no: & if any make default, you must present their names.

**And** I must tell you, If there be two Copoteners, or two Coparceners which do owe suit and service to this Court for any Lands which they hold of the Lord of this Manor, the one of them ought to be here to do the same suit, & the other ought to be counterpleader to his charge.

**Also** if any tenant having twenty acres or less granteth or letteth the same to church or lay persons, in this case every one of those tenants ought to do such suit and service as hath been accustomed to be done for the same Land.

**And** you shall enquire if any tenant be dead since the last court, or before, and his death is yet not presented, then you shall enquire what Land he held of the Lord of this Manor, and what tenure or service he held the same, whether by knight's service, socage tenure, or by copyhold, and what benefit or advantage is fallen to the Lord by his death, whether by marriage, by fine, by gift, or any other profit, & who is his next heir, and of what age he is, and in what ruling he is: & if any Tenant which holds



by Knights service by, and his heir male under  
the age of 21 years, and not married, then the  
Lord shall have the wardship and marriage of  
such heir male: but if it be a female and under  
the age of 14 years, and not married, then the  
Lord shall have likewise the wardship and mar-  
riage of such heir female: if the heir male be 21  
years at the death of his ancestor: or the heir  
female 14 years, then the Lord shall have only a  
reverter, which is, if they be by a whole knight's  
service: or if by the moiety of a knight's ser., &c. &c.  
and according to the rate of their tenure.

Also if any tenant which holds by socage ten-  
ure be dead, his heir being under the age of 21  
years, the Lord ought to have the value of his  
land for one year for a reverter, which is due immedi-  
ately after the death of the tenant: and the  
right of him to the heir to whom the inheritance  
shall descend ought to have the wardship of  
his heir.

Also if any customary tenant or copyholder  
of two parcels of land by heriot service, and  
of several copies, if such tenant be thereto seized,  
the Lord ought to have two heriots.

Now you may enquire whether any of the  
foregoing tenants be dead without heir general or  
particular: there be any such then the Lord ought  
to have his land by Escheat.

Also if any tenant which has purchased any land  
of this Lordship, and taken his household  
and body lawfully begotten, then the Lord  
ought to have his land by Escheat.

Also if any freeholder of this Manor have  
been felon, & thereof hath bin attainted,  
either hath confessed the felony, or hath  
been convicted by verdict of six men, or six, and  
thereupon

thereupon outlawed for the felony. In this case the King must have annum, diem, & calum in his Land & after it ought to come to the Lord's Bench.

Also if any Copholder hath committed felony and thereof hath been attainted as in aforesaid then the Lord may enter into his Cophold for a forfeiture.

Also if any Copholder hath leased his Cophold for any longer time than a year and a day without the Lord's licence, it is a forfeiture of his Cophold unless he may do it by the custom.

Also if any Copholder deny to pay his rent or deny to come to his Lord's Court, or deny to be sworn of the homage, or deny to go with his Lord to suppress Robbers, every one of these is a forfeiture of his Cophold.

Also if any Copholder hath sold any of his Cophold Land by deed, and made liberty of sale thereof according to the deed, it is a forfeiture so much as he hath sold.

Also if any Copholder hath cut down or felled trees within his Cophold but does not or loppen any Timber trees there at any reasonable time of the year by reason whereof the destruction of both is a forfeiture of his Cophold.

Also if any Copholder suffer his Cophold to decay and fall down for lack of maintenance it is a forfeiture of his Cophold.

Also if a Copholder be a Heretic, or a Schismatic, or a Heretic, he ought to forfeit his Cophold estate according to the law.

Also if any Copholder be a Heretic, or a Schismatic, or a Heretic, he ought to forfeit his Cophold estate according to the law.

Also if any Copholder be a Heretic, or a Schismatic, or a Heretic, he ought to forfeit his Cophold estate according to the law.

every such surrender ought to be presented at this Court, or else the Tenants which took such surrender, ought to forfeit their Copholds, because it may be thought if they do not present it, that they go about not onely to defraude the Lord of his fine, but also to disinherit the party, to whose use the same surrender was taken.

Also if any Copholder having two Copholds, hath impaired the one to mend the other, this is a forfeiture of the cophold that is impaired.

Also if any Villeine or Bondman of blood, hath purchased any Land within his Lordship, the Lord may seize both it, and such villeines goods at his pleasure.

Also you shall inquire whether any tenant of this Manor hath given any of his lands in mortmain, that is to say to any religious house, religious person, and their successors, or to any Guild, Fraternitie, or corporation, and their successors, without the Kings licence, and the Lords of this manor; for it is here inrequirable and presentable to the end that the Lord if there be any such grant made, may make his claime within the yeare and the day, according to the Statute in that case made and provided.

Also if any Tenant hath sold his land by deed, and hath not given notice thereof to the Lord, nor he which bought it hath not done his duty to the Lord, or Just of Court, so that by reason thereof the Lord doth not know who is his tenant, therefore you ought to present it: for it is very needfull and necessary that the Lord should know who is his Tenant, by reason of his services and escheats which may grow due unto him.

Also if any Tenant within this Lordship

hath suffered any house of husbandry to decay, by taking of the Land from it to lay to another, in this case the Lord ought to have the moiety of the profits thereof to his own use, untill it be made and maintained a husbandry again, and this you ought to enquire of for the Lords benefit.

Also if any Tenant hath inclosed any land which hath been accustomed to be open without the Lords licence and the freeholders, you must present it; for he cannot justify the doing thereof.

Also you shall inquire whether any of the Lords lands within this Manor be withholden from him, and held and occupied without his licence, if there be any such thing, then you must inquire by whom it is withholden, and what land it is, and what it is worth by the year, and how long it hath been withholden; that the Lord may recover his damage for the withholding thereof accordingly.

Also you shall inquire whether there be any rent, custome, or service behind and unpaid to the Lord of this Manor, by whom it is due, and what rent, custome or service it is, how long it hath been withholden, and where the land lyeth, that the Lord may distrain for the arrears thereof.

Also you shall inquire if any bailiffe or other officer of this Manor, hath made any arrest for any rent, custome, or service, due to the Lord of this Manor, and rescoure therein hath bin made, you ought then to present him or them which made the rescoure, and where and when it was done.

Also if any distresse hath been taken and put into

into the Lords pound, and hath been taken out from thence without leave or authoritie of the Lord, then such taking is a pound-breach, and here inquirable and presentable.

Also if any tenant doe surcharge the common by putting more cattel there then by the custome brought to have go there, or by putting of cattel there not commonable, as pigs, goates, and cyle, and such like, you must present them.

Also if any Tenant of this Manor having two farmes, one in this Manor, and another in another Manor, doth use in the Summer time or open time of the yeare, when Coyn and Hay is housed, to bring cattell from his other farme unto his farme within this Manor, which hath usually been kept at his other farme out of this Manor, this is called chaffing and rechaffing and here inquirable and punishable, unlesse these cattel be kept within his own severall grounds, and not in the common fields.

Also if any man hath removed any bounds or marks, meere Stones or stakes, betwene this Lordship and any other, or betwene a tenant and tenant; you must present their names; for it is an ill office, and they deserve to be punished for it.

Also if any man hath fished, hawked, or hunted within this Lordship, without the leave or licence of the Lord of this Manor, you must present them; for they are the Lords Realties, and therefore no man can lawfully come here to do either the one or the other without his leave.

Also if any tenant by reason of his Tenure ought to grinde at the Lords Mill, if he doth not, you must present him.

Also if you know any man that keepeth, de-

## Of a Court Baron.

taineth, or withholder any of the Lords evidences of this Manor, as Court rolls, rentrolls, or immunitments, appertenaunt and belonging to the Lord of this Manor, you must present them; for it is fit that the Lord should have the custody of this Evidence himself.

Also if there was any thing painco at the last court to be done, & as yet it is not done, you must enquire who have made default therein, and present his, hers, or their names: And you shall likewise inquire of al other things which you shall think needfull to be enquired of, by me omitted, and not given you in charge, as well as if I had given you it in charge, and so bying in your presentment in writing, by one of the clock in the afternoone.

Then let the bailiffe make an Oyes, and adioyn the Court till after dinner thus:

All manner of persons that have any more to doe at this Court, may depart for this time, & keep their houre here at one of the clock in the afternoon.

And then after dinner call the Jury for their presentments, and if they be ready, take them, and sweare two assizers to assist them, as before at the Leet.

This being done, let the bailiffe make an oyes and discharge the Court thus, All manner of persons which have any more to doe at this Court, let them come forth, and they shall be heard, or else they and every one else may depart for this time, and keep their day here upon a new morning, and so God save the King and the Lord of this Manor:

Fealty to be administred to a Custodary Tenant.

**Y**ou shall sweare that you shall be true Tenant, and faith and truth shall beare to the Lord of this mannor, and to his heires for al such customary Lands and Tenements as you claime to hold of him, by vertue of your copy for terme of your life, you shall also well and truly beare, pay, and do all such rents, customes, and services as are and shall from time to time to be payed and done for the said lands to your said Lord and his heires: you shall also be iustified by your Lord and his officers, in every thing as a customary Tenant ought to be iustified: & you shall in every other thing well and honestly behabe your selfe so long as you shal be Tenant. So help you God, and the contents of this booke. And so let him kisse the booke to affirme his Oath.

But this Oath must be ministred before the Court be ended.

The Oath of the Reeve or Bayliffe of a Manor.

**Y**ou shall sweare that you shall well and truly serbe the King and the Lord of this Manor for the yeare to come, in the office of the Reeve or Bailiffs of the same Manor: and you shall duly and truly gather all such rents, revenues, or other yearly profits as shall be exacted unto you, and thereof you shall make & send up a true account at the end of the said year, and in every other thing you shall well and honestly behabe your selfe in the said office bearing

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ring the time aforesaid. So helpe you God and the contents of that booke. This must also be done befoze the end of the Court.

And the presentments are to be put into lation by the steward of the Court thus, viz. next after the presentment of the freeholders, for their defaults, the Copyholders thus:

*Default' de Copibolders:*

Item Jur. dicunt super eorum sacram. quod VV. J. d. et I. R. 4. d. sunt tenentes per copiam Rotulorum cur. et debent sect. cur. et adhunc diem fecerunt default'. Ideo uterq; cor. in m'a prout patet supra eorum capitibus.

*Obitus.*

Item present. quod W. N. qui de domino tenuit libere unum mesaugium et triginti acr. parari et pastur. cum pertin. infra dominum istud per fidelitatem et sect. cur. et per reddit per annum vj. d. obiit de tali statu sic inde seisit. Et qd R. I. est filius et proximu hared. præd. W. J. Et est ætatis decem annorum, et ad hanc cur. venit præd. W. I. et solvit domino per Relevio vj. d. et fecit fidelitatem.

*Alienation.*

Item dicunt super eorum sacram. qd G. B. qui de domino tenuit, libr. unum mesaugium, unum p. mar. et sex acras prati cum pertin. per fact. suu Indentat. gerent. dar. sexto die J. ann. & c. regni dedit concessit barganizavit et vedidit oia et singula permissa præd. cum suis pertin. R. K. de & c. habend. et tenend. oia et singula præmissa præd. cu eorum pertin. præd.

R. K.



R. K. hæred. et assign. suis de capitalibus dom. feod. illius per reddit servic. et cons. inde prius debi. et de jure consuet. et præmiss. tenet de dom. hujus maner. per fidelii. et sect. cur et per reddit. per annu. xij. s. Et ad hanc cur. dictus R. K. fecit domino fidelitatem.

### *Legatio.*

Item dicunt super sacramentum suum quod W. A. qui de domino tenuit libere unum mesuagium sive tenement. et viginti acras terræ voc. H. per fidelitatem. sect. cur. et per reddit. per annum vj. d. obiit inde seifit. et per ultimam voluntatem suam inscriptum fecit. geren. dat xxviii. die Sept. anno &c. legavit mesuagium sive tent. et præd. xx. acras terræ quibusdam R. A. et T. A. filiis suis per nomen omnium terræ, tenement. et hereditament. suorum scituat. jacen. et existen. in I. præd. habend. et tenend. præd. mes. sive tent. &c. et præd. xx. acras cum pertin. eisdem R. A. et T. A. hered. et assign. suis imperpetuum ad proprium opus et usum ipsorum R. et T. hered. et assign. suorum imperpet. ideo præcept. est ballivo distringere præd. R. A. et T. A. scd m formam statuti in eodem casu provis. ad solvend. reliven. et etiam distring. ad fidei litat.

### *Super Snyr.*

Item dicunt super sacramentum suum qd R. R. tenet customarius hujus manerii extra cur. sursum redd. in manus domini per manus W. T. et R. W. duorum customar. tenen. hujus manerii scd m consuet. hujus manerii torum illud mes. et xxx. acras terræ prati pascue et pastur. cum pertinent. modo in itinere. sive occupac. R. B. ad opus et usum præd. R. R. pro termino vite sue natural. et post decessum dicti R. R. tunc ad opus et usum T. B. et hæred. de corpore dicti T. legit. procreat. et pro defect. talis exit de.

de corpor. dicti T. B. legit procreat. rem. inde J. I. filio R. de I. præd. gen. hæred. et assign. suis imperpetuum et die quod prædict. R. obiit, et tunc ad istam cur. præd. T. B. venit et petit admis. ad omnia et singula præmissa prædict. Et ad hanc cur. dom. per I. K. seneschallum suum concessit inde eiseignam per virgam, habend. et tenend. eidem T. B. & hæred. de corporis suo legitime procreat. Et pro defect. tal. exit. rem. inde ad opus et usum dicti J. I. et hæred. suorum imperpetuum. Et præd. T. B. dedit dom. de fine quatuor libras, et fecit dom. fidelitatem et admissus est inde tenens.

*Swr. per Seneschal. cap.*

Ad hanc cur. testatur est per W. T. senesque W. N. in extremis jacens x. die A. et anno regni, &c. Sursum reddidit in manus dom. per manus ejusdem seneschal. absent. cur. in presentia R. C. R. P. et C. H. unum tent. voc. M. in quo modo habitat. W. G. cum omnibus terr. &c. et tunc suis infra maner. de L. opus et usum M. uxor suæ pro termino vite suæ. Et post decessum ipsius M. remanere inde W. T. filio præd. W. patris et G. filiz ejusdem W. patris, ac foror. præd. W. filii et hered. sub suis sub conditione tamen sequitur, quod si contingat, aliquem præd. W. filii et G. filiz obire. sine hered. de corpore suo extingui, quod tunc ipse vel ipsa qui vel que supervixerit habebit ex gaudebit tenement. præd. sibi et hered. suis imperpetuum. Et super hoc venit in istam cur. præd. J. M. et petit se admitti ad tent. præd. cui pertinet. cui dominus per I. K. senesc. suum concessit inde seigniam per virgam habend. sibi in forma præd. ad vilitatem dom. sed in cons. manerii et dat. dom. de fine pro ingres. suo inde habend. prout patet, &c. et fecit dom. fidelit. et admissus est inde tenens.

*Obit. de Copibolder.*

Item ad hanc cur. compertum est per homagium quod quidam W. W. unus filior. et hered. R. W. defunct. quod quidē W. W. tenuit de domina sibi et hered. suis secundū cons. hujus maner. medietat. quorū mesuagior. siue tenement. & unius gardini C. in A. jacen. ibid' inter terr' A. B. ex part. Australē et terr' W. S. ex part. Boreal' habend. et tenend. &c. ad voluntatem dom. secundū cons. m. n. r. Et postea venit quēdā A. W. coram præs. T. P. senesc. dom. & pretend. habere et solū in præs. pecia terræ, & hic præsens in cur' remisit velavit imperpetuū quicquid clamavit præs. W. P. et heredibus suis per licent. dom. totū jus suū et clameum quē habet vel habuit vel in futur. habere poterit in præs. pecia terræ & in qualibet inde parcella viz. qd nec ipse A. nec hered. sui nec aliquis alius nōmīn. eorū aliquod jus vel clameum in præs. pecia terræ de tertio exigere vel vindicare poterit sed omni actione juris vel clamei sint exclusi imperpet. per præsens. et dat. dom. &c. ut fecit fidel' &c.

*Concessio hered. post mortem patris.*

**A**d hanc cur. tenet. &c. compertum est quod R. B. obiit seiscus post ultimam cur. qui de domino tenuit sibi et heredibus suis unum tenementum vocat E. et obiit inde seiscus, & dicunt quod R. B. filius ejus est proxim' her. & plenæ ætatis, vel infra ætatem, si soit dein' age, videlicet, duodecem annorum, & in custodia T. W. vel R. M. frater ejus vel consanguin. sui proximus heres ejusdem et plenæ ætatis manet

maner' przd, cui quidem R. B. dom. per senescal' sub  
concessit inde ei seisin' habend, sibi et hær. suis de  
domino per reddit' x s. per ann. et alia servic. inde  
prius debuit & dat dom. de finis pro ingressu inde ha-  
bend. 4 R. & fecit dom. fidelitatem: Et admissus est  
inde tenens.

### Obitus de parcenar.

Item homagium die' super sacram. suum quod  
quidam R. S. qui de dom. tenuit ut parcenarius  
per consuetudin. maner. novem acr. terr. customa-  
rum una grāgia simul cum T. S. fratre suo sibi &  
hær. suis obiit citra ultimam citra seiscit. Et quod  
quidam F. S. est hlius et prox' hær. ejusdā R. Quo-  
ad medietatem przd. terr. et grangij przd. &  
est ætatis octo annor. Et super hoc tam quos  
przd. I. I. quam terr. et grangia przd. com-  
munitat' cuidā S. Jut prob. amico suo &c. Et invenit  
plog. in cur. E. N. ad reddend. praf. Is de prob.  
cuis inde rē ad ætatem quatuordecim annorum  
pervenit.

### Introchment.

Item die' super sacram. quod R. W. introchiavit  
super vast' dom. apud C. in longitudine x. virgata, &  
in latitudine unæ virgat. ideo ipse in m'ia, &c. Et  
ordinat. est quod exponat eandē ante festū sancti  
Baptiste prox. sub pena forisfact. dom. pro qualibet  
virgat. 2 s. 6 d.

### Refect.

Item die' super sacram. suum quod G. B. Ball  
misi tali die & ann. &c. m'ia dominum istud &  
stringebat.

stringebat H.H. pro redditu dom. tunc per præl. H.  
 p̄terro et non solutum, & quod præl. H. ad tunc se  
 ibid. rescuss. fecit super eund. C. B. ideo ipse in m̄a

&c. b. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 846. 847. 848. 849. 850. 851. 852. 853. 854. 855. 856. 857. 858. 859. 860. 861. 862. 863. 864. 865. 866. 867. 868. 869. 870. 871. 872. 873. 874. 875. 876. 877. 878. 879. 880. 881. 882. 883. 884. 885. 886. 887. 888. 889. 890. 891. 892. 893. 894. 895. 896. 897. 898. 899. 900. 901. 902. 903. 904. 905. 906. 907. 908. 909. 910. 911. 912. 913. 914. 915. 916. 917. 918. 919. 920. 921. 922. 923. 924. 925. 926. 927. 928. 929. 930. 931. 932. 933. 934. 935. 936. 937. 938. 939. 940. 941. 942. 943. 944. 945. 946. 947. 948. 949. 950. 951. 952. 953. 954. 955. 956. 957. 958. 959. 960. 961. 962. 963. 964. 965. 966. 967. 968. 969. 970. 971. 972. 973. 974. 975. 976. 977. 978. 979. 980. 981. 982. 983. 984. 985. 986. 987. 988. 989. 990. 991. 992. 993. 994. 995. 996. 997. 998. 999. 1000.

The form and manner of others grants and  
 surrenders, as toel of copyholders of inheritance,  
 as also of Copyholders of lides, as followeth,

*Boxhead.* **A**

**A**D Cur. manerij ibidem rent. 14. die Febr.  
 Anno, &c. venit N.R. et cepit extra manerij  
 domini unum mesungium et dimid. place five virgar.  
 terr. cum suis perrinen. in B. nuper in tenura. I. A.  
 habend. sibi et R. P. filio suo, et A. modo uxor.  
 dicti N. pro termino viz. eorum et alterius eorum  
 diutius viven. successive scd'm. cons. manerij. præl.  
 per reddit. et servic. inde prius inde debitus et id. jure  
 consuet. Et dat. dom. pro tali statu sic inde habend.  
 3 li. Et fecit domino fidelit. et admissus est inde  
 tenens, &c. Et fidelit. præl. R. et A. respectatur quo-  
 usque.

*Per me I.W. Senef. ibid.*

*Forisfacto de Cap. et recepti.*

**A**D hanc Cur. &c. homagium præsente. quod  
 A.P. C. nuper relict. A. C. quæ de domino  
 tennis durans. viduitate sua secundum consue-  
 tudinem manerij unum mesungium, &c. cum perr-  
 tinentiis in A. cepit viram R. L. per quod  
 forisfecit stat. suus in præmissis, et sic rem in  
 manibus domin. super quod proclam. facta est, si  
 quis.

quis &c. Et super hoc venit præd. R. L. et cepit extra manus dom. mesuagij &c. cū suis pertinēt. habēd. sibi pro termino vite sue secundū consuetud. maner. præd. pro reddit. et servic' inde prius debīt. et de jure cons. et dat. domino de fine pro tali statu sic inde habend. 6 l. et fecit dom. fidelitat. et admissus est inde tenent.

*Concessio reversionis.*

**A**D cur. &c. venit; W. H. et cepit extra manus dom. reversionē unius mesuagij &c. cū pertin. in Y. in dō. in tenura I. H. vid. nūper uxor. W. H. habend. et tenend. reversionē præd. præf. W. H. et B. filij suo pro termino vite eorū et alterius eorū diuitiis vivē. successive secundū consuet. maner. præd. vel per mortē futū. redditiōnā vel aliquā forisfactū per præfat. I. aliquo modo fact' sive perpetrat. ad manus dom. acceder. contigerit per reddit. et servic. inde prius debīt. et de jure cons. et dat. dom. de fine pro tali reversione sic inde habend. 7 l. et fidelit. respectant. quousque &c.

*Obitum.*

**I**ll. present. quod la. c. qui de domino tenuit unū tenement. cum suis pertin. in Y. in quo l. c. patet præd. I. nuper habuit diem suū clausit extremū circa ult. cur. unde accidit dō. pro heriot. unū bos præf. & hoc deliberat. ad usum dom. hujus manerij de quo præd. fact. fuit in cur. si quis &c. super quam venit Anna relicta. præd. I. et clamar premis. durante viduitate sua secundū consuetudinē manerij per reddit. opera. consuetud. et servic' inde prius debīt. & consue. &c.

Surr. &amp; receptio.

**A**D hanc Curiam venit C: VV: qui de domi-  
no tenuit per copiam Rotulorum cur. dat: &c.  
unum tenementum &c. cum pertinentijs in  
E. quondam in tenura R: C: et ea omnia solum  
reddidit in manus domini et totum statum, titulum  
& intere se in prænissis ea intentione, ut prece-  
ret domino novum inde concessum sibi præs-  
C: VV. et alijs facere secundum consuetudinem ma-  
nerij prædict. super quem solum redditionem ac-  
cidit dom. pro heritor. ex conventionc viginti so-  
llid. et in eadem curia venie dictus VV. C: &  
cepit extra manus domini dictum tenement. &c.  
cum suis pertin. habend. sibi præst. C: VV. R:  
& I. VV. filijs suis pro termino viz eoru. & alie-  
rius eoru diutius vivent. luccellive secundum cons-  
suetudinem manerij prædict. red. et. opera cons-  
& servic. inde prius debet. et jure cons. Et pro  
hujusmodi statu et ingress. se inde habend. præd.  
C: VV. dat. domin. de fine 16 li. et fecit domin.  
fidelitas & se prædict. C: W. admittus est in de-  
rens, & fidelit. præd. R. et I. respectatur quousque  
et.

Consuetudo de Copibola de Inheritance

per le Virge.

**A**D hanc cur. dn' us concessit extra manus  
suas per I. F. capit. Seneschal suum T. D. &  
A. uxor. ejus unum mel. &c. cum omnibus  
suis pertin. jacen. apud B. quibus dn' us per Senel.  
suum præd. concessit solum habend. sibi & heri-  
tibus de obituo per virgam ad voluntatem domini.  
secundum consuetud. maner. præd. Et dant dom.

de feodo pro ingress. inde habend. prout patet in capit. Et fecit dom. fidelitatem. Et admiss. est inde tenus.

*Concess pro annuat. reddit.*

**A**d hanc cur. dominus concessit per I. Falsch. suum T. B. & M. uxor. ejus unum mesuagium cum 6 acris terr. &c. cum pertinentiis. T. M. hered. et assignat. suis ad voluntatem dom. secundum cons. manerij reddendū inde annuatim dom. hered. et successoribus suis, if the Lord be a Bishop, or a Dean, or such like, six shillings eight pence, pro omnibus et sing. servitiis ad duos anni terminos, videlicet ad fest. sancti Mich. Archangel. et Annunciation. Beate Mar. virgin. equal. portionibus, & dant dom. de fine &c. et fecer. fidelit. et admittunt inde tenentes.

*Curia ex antiquis de maner.*

**A**d hanc cur. venit ibidem tali die et anno A. C. filius et haeres J. C. venit et factum reddidit in manus dom. unum mesuag. etc. in die infra jurisdictionem hujus cur. ad opus et usum T. H. hered. et assignat. suorum imperpetuum. Et tunc bargainz sive partitionis inter eos facta, et super hoc publica proclam. in eadem curia facta fuit, quod si quis aliquod jus seu titulum ad eundem mesuagium terr. &c. vel in aliqua eorum parcel. pretendere, venire vel haberet veniret et audiret, et null. venit ad hanc cur. per quod secundum consuetudinem maner. predicti mesuag. terr. &c. remanet in manus dom. usque ad tertiam proclam. super eisdem factam. Et super hoc dies datus est partibus predictis attendendi ad proxi.

cur.



cur. maner. præd. ad audiend. inde iudicium suum  
super premissis.

Et ad hanc cur. tene. ibidem tali die et tali ann.  
tam prædict. A. B. quam præd. T. H. venerunt &  
super hoc secunda proclam. fact. fuit super præ-  
missis, quod si aliquis aliquod jus vel titul. ad præd.  
mesuagium terr. &c. haber. aut pretenderet ve-  
niret et audiretur, et nullus venit, et super hoc  
dies dat. est partibus præd. elsendi hic ad prox. cur.  
maner. præd. ad audiend. inde iudic. suum super præ-  
missis.

Et ad hanc cur. ib. tene. tali die et anno tam  
præd. A. C. quam T. H. vener. super hoc tertia  
proclam. fact. fuit super premissis, quod si aliquis  
aliquod jus vel titulum ad præd. mesuag. terr. &c. vel  
in aliquo eorum parcel. haber. vel pretend. veniret  
vel audiretur, et nullus adhuc venit, et super hoc  
dom. per J. H. seneschal. suum concessit seisin. de  
præd. mis. &c. cum eorum pertin. præd. T. H. tenend.  
sibi hæ. et assign. suis sed. in cont. mann. præd. et  
dom. de fine pro ingres. &c. et fecit dom. fidelit. de  
admissis inde tenens.

*Aliter in ancient de mesuag. ubi tenet  
examinetur.*

**A**D cu. tene. ibidem tali die et anno T. B.  
de N. et E. uxor. ejus in presentia cur. sola  
examinatur et confess. iurium reddidit in  
manus dom. unum mes. et dimidit. bovar. cum  
suis pertin. in D. præd. voc. R. ad opus W. C.  
de O. unde accidit an. o. unus equus de heritor.  
to, et super hoc ven. dict. VV. C. et cepit de  
dictum mes. &c. cum pertin. habend. et tenen.  
sibi et A. uxori ejus sive hæ. et assign. ipsi VV.  
imperpet.

imperpet. secund. consuet. maner. præd. per reddi  
cons. et servic. inde prius debet, et consuet. Et dem  
dn o de fine pro ingress. habend. in dictis in me-  
suris et ceter. premiss. &c. Et dat. est eis scilicet  
su &c. et fecerunt fidelitatem et admissi sunt inde ve-  
nientes.

*Sur balliva extra cur.*

**A**d hanc curiam &c. Comperit est, quod T. C.  
extra cur. sursum reddidit in manus I. D. belli-  
vi in presentia D. R. et aliorum tenentium dom. hujus  
maner. hoc testant. unam acram scilicet in R. quondam T.  
Rad opus W. licui dominus inde concessit seisin. rei-  
nend. sibi et hered. &c.

*A surrender upon condition.*

**A**d hanc curiam etc. venit J. C. et sursum reddi-  
dit in manus dom. unum coragium pence &c.  
ad opus et usum I. A. tenend. sibi et heredi-  
bus suis de dom. ad voluntatem dom. secundum con-  
suetud. maner. sub conditionibus sequen. videlicet  
si per J. A. solvantur solvi faciat præf. I. C. xls.  
ad festum sancti Iohannis Baptist. et omnium sanctorum  
prox. futur. post dat. hujus cur. equal. portitionibus  
quod tunc presence sunt, redditione sit in sua robore  
et effect. et si ipse deficeret in solution. præd. in pars  
re vel in toto quod ad tunc bene licebit præf. I. C. &  
assign. sui. reintret et rehabere præd. coragium istud  
sursum reddit. in aliquo non obitante, & dat. dom.  
de fine &c. et fecit fidelitatem, & admissus est inde ven-  
ientes.

*Concess.*

*Concessit de copibola sibi sibi.*

**A**D cur. sec. tenet. tali die et ann. &c. precept.  
tuo ballivo seiscire in manus domini unū tene-  
ment. cum pertin. nuper in tenu. I. B. nos. R.  
et quod ipse alienaverit et vendidit dictū tenement.  
nidam T. Vt sine licentia dom. &c. Et inde respon-  
debit domino de exit quousq. &c. Et quod in ista  
idem cur. dom. ex sui gratis special. concessit dict.  
tenement. cum pertin. pref. I. B. cur. dom. inde con-  
cessit seiscire habentibus et heredibus &c. de dom. ad  
volunt. sextum. cons. maner. pred. Et dar. dom. de fine  
&c. Et fecit dom. fidelitatem et admisit. est inde  
tenent.

*Copia pro termino annorum.*

**A**D hanc cur. dom. per I. F. Seneschal. suū con-  
cessit B. R. unum messag. &c. cum pertinentiis  
et habund. et tenend. ibi et assig. suis fest.  
festi Mich. Arch. prox. futur. post dat. hujus cur.  
et ad finem et term. quadragint. annor. extunc  
prox. sequen. et plenar. complendorum reddendo in-  
de annuatim. xx s. ad duos anni term. viz. &c. per  
equal. portiones, proviso semper quod duran. ter-  
min. pred. pred. dn. us inveniet maceremum materiā  
& ligna toriens quoties necesse fuerit dict. tene-  
ment. ad emendand. reparand. et sustinendū. Et dar.  
dom. de fine, &c. et fecit dom. fidel. et admisit. est inde  
tenent.

*Relate*

*Relax in cur. de villa.*

**A**D hanc cur. tent. &c. compert. est quod dom. per T. P. Senescal. suum ad cur. tent. sp. C. tali die et ann. concessit ex man. suas W. P. & heredibus suis unam pecia terr. contin. circa met. veras terrar. sive plus sive minus habear. quondam T. C. in A. iocem. ibid. inter terr. & B. ex parte Australi. et terr. W. S. ex parte Boreali. habend. et tenend. ad voluntatem dom. secund. conf. m. ner. Et postea venit quondam A. W. coram pref. T. Senesc. dom. et pretend. habere titulum in prad. pecia terrar. et hi. prefatus in cur. remisit. relaxavit et imperpetuum quod et clamavit pref. W. P. et heredibus suis per licent. dom. totu. jus suum et clameum quod habet vel habet. it. vel in futur. habet. poterit in prad. pecia terr. & in qualibet inde parcel. Ita viz. qd nec ipse A. nec heredes sui. nec aliquis alius nomin. contra aliquod jus vel clameum in prad. pecia terr. de cetero exigat. vel vindicare poterit. sed omni. actione. juris vel dom. moi sunt exclusi imperpet. per prefat. et dat. dom. &c. ut fecit fidel. &c.

*Concessio heredi post mortem patris.*

**A**D hanc cur. tent. &c. compertum est quod B. obiit seipsum post ultimam cur. qui domino tenuit. sibi et heredibus suis unum tenementum vocat E. et obiit inde seipsum. & dicunt quod R. B. filius ejus est proxim. her. & plen. ætatis. vel infra ætatem. si solt deins age. videlicet. duodecem annorum. & in custodia T. W. vel R. M. frater. ejus vel consanguin. ejus est proximus hæres ejusdem et plene ætatis

presens hic in cur. petit admitti et admissus est  
de tenens tenend sibi et heredibus suis de domi-  
no ad voluntatem dom. secundum cons. mancrij, &c.  
et dar. domino de fine &c. et fecerit domino fide-

allit. abisunt in tale le: enonster. - 7151

D. hanc curiam compertum est [quod R. B. de  
 A. ad curiam tent. tali die et anno etc. apud  
 E. sursum reddidit in manus dom. usum tent.  
 vocat C. ad opus R. C. filij ejusdem R. et A. uxoris  
 eorum quibus dom. concessit scilicet tenend. sibi  
 hæredibus de corporibus eorum legitime procre-  
 atis præd. R. et A. uxor. ejus obierunt sine hære-  
 dibus de corporibus eorum legitime procreat. quod  
 præd. tent. &c. cum suis pertinentijs remane-  
 re rectis hæredibus ipsius R. B. et modo ista cur.  
 reformatur per totum homagium quod præd. R. et  
 A. obierunt sine hæredibus legitim. inter eas pro-  
 par. et præd. R. B. similit. Et super hoc ven. I. B.  
 tal. et hæc. præd. R. B. et per admitt. et admissi. est  
 mon. etc. Et per licenol. dom. præf. I. B. concessit  
 et sent. etc. que circumstanfor. post mortem præd. R.  
 et A. un. ejus reman. W. C. et hæc. suis  
 dom. eius I. B. concessit scilicet tenend. ad volun-  
 tem scilicet non manet. et d. dom. de fine. &c. Et  
 in dom. fidelit. &c.

*Alio Cop. pro summa vita cum de  
versum in fieri*

**A** Dhanc Cur. ven. A. T. et sursum reddidit  
manus domini unum mesuag. & octo ac-  
terr. & stomat. totas. Et in dominus faciet  
de ad voluntatem suam et dom. inde habebit seisin  
Et ex gratia sua speciali concessit prae. J. mes-  
uag. prae. A. B. et K. uxor. ejus duran. viri  
Ita quod post eorum decessum ipsius prae. J. et  
tenent. remaneat rectis hered. ipsius A. T. imperpet-  
renum. ejusdem A. T. et I. uxori ejus duran. vi-  
viti eorum per virgam ad voluntat. dom. secundum  
fuer. manerij in forma prae. salvo jure cupillit.  
& prae. A. T. et K. de domo de fine. &c. et fac-  
fide. &c.

*Summa extra Cur. de rem. cum condicio-  
ne in extremis*

**A** Dhanc cur. compertum est quod R. et  
Agnes in extremis sursum reddidit prae. J. mes-  
uag. prae. B. R. extra cur. per manus J. H. et  
conia A. C. & B. D. tenent. hujus maner. hoc  
unum mesuagium cum prae. J. &c. ad opus Agnes  
et R. et Agnes sibi per servitio inde debet  
cund. consuet. maner. pro termino vite sue  
post mortem dict. A. prae. mesuag. rem. J. filio  
prae. R. et A. & hered. de corpor. suo legit. procre-  
at. et si contingat dict. R. obire sine hered. de  
corp. suo legit. procreat. tunc prae. mes. remanet  
R. filio prae. R. et A. et hered. de corpor. suo le-  
git. procreat. Et si contingat dict. R. obire sine  
hered. de corpor. suo legit. procreat. qd tunc prae.  
mes. per executores utriusque eorum diutius veni-

mandatur. et denar. inde recept. et provenientes in  
pauperes et alia elemosinas disponent. ut distribu-  
t. prout eis melius videbit. expedire quibus dn'us  
inde concessit seisinā: tenend. in form. prae. ad vo-  
cant. dom. secund. cons. maner. et dant dom. de fine  
Et fecit fidelit. &c.

*Supplicatio tenen. domini.*

**A**D hanc cur. venit R. C. instant. supplic. pro  
ut ipse per plurima tempora transact. suppli-  
cavit & proferat domino finem annualem ra-  
tionem exemptionis ut ipse ex sua gratia special' in  
more ob causam senectutis infirmitat. & debilita-  
tionis corporis sui exonerari de cetero ab omnibus &  
singulis inquisitionibus iurat. et offic. quorumcun-  
que in hac villa quam alibi infra dict. mane-  
re sibi obijciend. & assign' quapropter aspectu  
senectutis una cum infirmitate et debilitate sua  
sibi sine annual. nomine exemptionis inde pro-  
bare. Ac suggestionem ejus per tenentes vilis ip-  
sum veraciter magn. testificant in premisi. modo do-  
m. concessit in ista cur. per I. F. Seneschal. suū  
R. C. licentiam favorem & exemptionem  
exemptio nra sua. Et praedict. R. C. dat. dom.  
annualem redd. q. d. solvend. ad terminos a-  
nual. & illor. cur. & sol. annualem redd. & illor.

*Licentia pro se Cur.*

**A**D hanc cur. venit J. S. natus domini de fine  
pro se Cur. respectand. per unum annum

*Licentia*

*Licence ad maritand. filiam.*

**A**D hanc Cur. ven. I. S. natus dom. manerii et petit licentiam ad maritand. suam infra dominum istud vel extra termin' per I.W. seneschallum suum concessit licentia &c.

*Licence dimittend. tene. customar.*

**A**D hanc cur. venit T. R. et petit licentiam domino dimittend. omnia et sing. tenementa sua customar. scilicet jacenti et consisten. infra dominium istud cuicunque personarum quibuscunque personis placuerit eidem T. R. termino et ad terminum xxj. annorum proximo quoniam dicitur hujus cur. cui quidem T. R. dominus licentiam dedit in forma predicta. pro fine decem solidorum solut. in cur. ad usum dom. manerii.

**Note.** that there is no manner of Court made of free land by deed pole, or deed indented, but the like estates may be made by copy of Courtroll of copyhold land and of inheritance, and entered into the Court rolls: and the Steward is bound by Law and conscience to be an indifferent judge between the Lord and his Tenants, and to enter their copies truly in the Lords Court rolls which are the Lords Register to know their presidents, customs, and services: And they are a great surety to the tenants, that their copies by any casual means should be lost, they may resort to the Lords Court rolls



And the Steward may make them new coppes,  
 according to the old present in the Kings  
 Court Roll: like as at the common Law, when  
 matter of variance between two men is passed  
 by verdict, and judgment given thereupon and  
 entered into the Kings records, there it resteth of  
 record to be found if occasion serue to search for  
 it. And also if a deed be a patent be enrolled in the  
 Kings Court to be seen, & copied, and  
 any man that hath occasion may have a copy  
 thereof, if they sue to the Judges and Officers  
 of the place where the record lyeth, and they  
 may have it exemplified under the seal of the  
 office of the same place where such record lyeth,  
 it be toll be at the charge thereof. And also if a  
 man have occasion he may plead the same record  
 in any of the Kings Courts. And the Lords  
 Steward may doe the like with his Court  
 Rolles.

**R**

**Plees**

**Plees incident and  
belonging to the Court  
Baron, Formedon in re  
maind'r. and this is where  
there are Copihol  
ders of Inheri  
tance.**

**R**. H. querit, versus C. E. et A. uxorem ejus  
de placito terr. viz. de uno mesuag. duob.  
cottagijs viginti acris prati pastur. com  
pertinentiis in J. infra jurisdictionem  
hujus cur. Et fecit protestationem prole  
qui querelam istam in forma et natura brevis domi  
ni regis (et forma donationis in le reminer. ad  
communiem legem et inven. pleg. de prosequend.  
querelam illam in forma et natura brevis, viz. J.  
H. et R. M. Et petit proces. super inde sibi fieri  
secund. consuetudinem maner. prædict. versus præ  
dict. C. et A. uxor ejus ideo secundum consuetu  
dinem maner' illius a tempore cujus contra me  
moriam hominum non existit visitat. precept. de  
subballivo maner. prædict. ac ministro Cur.  
prædict. quod sum. pro bonis sum. prædict. C.

R. et W. M: plenā seisinā de præd. octo acr. prati cum pertin. prout per præcept. præd. sibi mandat. sic &c.

Ex postea scilicet ad istam eandem curiam prædict. R. et W. M: et præd. W. T: ad tunc præsent. existen. venerunt ac (suis sum reddiderunt in manus dom. in eadem cur. præd. octo acr. prati cum pertin. ad opus et usum præd. M: M: hæc et assign. suorum cui dom. per seneschallum suū præd. concessit inde seisinā per virgā habend. et tenend. sibi et hered. suis ad voluntatem dom. secund. consuet. maner. præd. &c. Et ultoribus præd. R. et W. M: & W. T. remiserunt, relaxarunt et omnino pro se et heredibus suis imperpetuum quiet. clam. pref. M. M: heredibus et assign. suis in sua, lena et pacifica possessione et seisinā existens in plenā curtorū ius itatum, titulum, clameum, interesse, seu demand. sua quecunque que unquam habuerunt habent seu quovismodo in futur. habere poterint de aut in præd. octo acr. prati cum pertinentiis aut in aliqua inde parcel. ita qd. nec pref. R. et W. M. et W. T. nec hered. sui aut aliquis eorum aliquod ius, titulum, statum, clameum, interesse seu demand. de aut in præd. octo acr. prati cum pertinentiis suis nec debent in futur. sed ab omni occasione juris, tituli clam. usus interesse, et demand. inde petend. sint exclusi, et quilibet eorum sit exclusus imperpetuum per presentes; et preterea prædict. W. T. concessit pro se et her. suis quod ipse war. prædict. octo acr. prati cum pertin. pref. M. M: & hered. suis contra omnes homines imperpetuum &c. ab

Et prædict. R. C. per I. A. attorney suum ven. et defend. vim et injur. quando, &c. Et dic. qd. ipse non debet præf. G. B. præd. 30 s. 4 d. ac aliquem donariū inde in forma qua idem G. B.

corpore suo legitime procreat. Et pro defectu  
 talis exit ejusdem Et pred. tene. cum pertinent. in-  
 tegre remaner. cuida E. H: filia predict. W: H:  
 tenens sibi et hered. de corpore suo legitime  
 procreat. et pro defectu talis exit ejusdem s.  
 predict. tenement. cum pertinent. integre rema-  
 nere rectis hered. predict. VV. H: hered. sui  
 imperpetuum, virtute cuius quidem sursum red-  
 ditionis predict. M: fuit seise. de tenementis pred.  
 cum pertinentiis in dominico suo ut de libito  
 tenementis ad voluntatem dom. secundum con-  
 manerij predict. tempore pacis tempore predict.  
 Regis Jacobi capiend. inde exple. ad valend. de  
 Et de ipsa M. remansit jus per formam sursum  
 redditionis predict. secundum consuetud. man-  
 rij predict. I. H: per quod idem I: fuit seise. de te-  
 nement. predict. cum pertinent. in dominico suo ut de  
 feodo m. ut. ad voluntatem dom. secundum con-  
 manerij predict. per formam sursum redditionis  
 predict. tempore pacis tempore dom. Edwardi imper-  
 regis Angl. secundo capiend. inde exple. ad va-  
 lenc. &c. Et de ipso I: post mortem predict. E.  
 co quod interque predict. I: & E. obiit sine hered. de  
 corpore suo legitime procreat. remansit jus per  
 form. sursum redditionis predict. sed in bonis manet.  
 pred. isti R: H: qui omnia petit viz. ut fil. & heres  
 W: H: ipsius et hered. predict. W. H. Et inde prode-  
 fect. &c.

Et predict. C: et A: per T. H. Antors sui  
 ven. & defend. jus suum quando, &c. Et de hoc  
 predict. VV: H: non dedit tenement. predict.  
 cum pertinentiis prefat. R: H: et hered. de cor-  
 pore suo exeunt. Ita quod fridem W: H: obi-  
 tit sine hered. de corpore suo exeunt tenement.  
 cum pertinentiis prefat. R. H. et hered. de cor-  
 pore suo exeunt. remanserunt imperpetuum in

forma quæ præd. R. H. per breve et narrationem suã præd. supponitur, et de hoc, &c. Ideo duodecimo,

*Plaint de mort d'ancestres.*

R. C. queritur verus W. L. et E. uxor ejus de hæc terr. viz. de uno meluagio trigint. acr. prati et cent. acr. pastur. cum pertinentiis in Lin. in jurisdictione hujus cur. et fecit protestationem prosequi querelam suã in forma et natur. brevis Dom. Regis assise mortis antecessoris ad communẽ legẽ &c. Et petit process. pro eo fieri secundum cons. hujus manerij in forma et natura brevis præd. dirigend. ballivo et ministris hujus cur. et aliis ballivis et ministris per mandata et præcepta. cum hujus manerij et secundum cons. ejusdem manerij. sum. per bonos sum. xij. probos et legales homines de homagio hujus manerij quod sint eo. et senesc. ejusdem manerij ad pro. cum instr. min. istud tenend. parati faciemus cum cognoscere. Si R. C. pat. prædict. R. fuit scilicet in domino suo ut de feodo ad voluntatem dom. secundum cons. manerij istius die quo obiit de et in uno meluag. trigint. acr. prati et cent. acr. pastur. de terr. custom. hujus manerij cum pertin. voc. infra jurisdictionem hujus cur. die quo obiit. Et idem R. pater obiit infra quinquaginta annos in ultimos elapsos, et si præd. R. filius sit propinquus heres prædict. R. patris, et interim terr. &c. teneant. Prædict. videant, et quod sum. per bonos sum. præd. W. et E. qui eandem terr. et teneam. nunc tenent qd. sint ibi ad audiend. recognosc. et pleg. ad prosequend. querelã suã præd. R. et R. R. R.

Barre.

Et modo hic ad hanc cur. ven. præd. W: Li in propria persona sua, et dicit quod præd. R: pater præd. quer. non fuit seclit. in dominico suo ut de feodo ad voluntatē dom. secund. consuetud. hujus manerij die quo obiit de præd. mesuagio et trigina. ac. prati et cent. ac. pastur. cum pertin. modo et forma prout per præd. quer. prius suppon. Et hoc petit qd inquiratur per assisam, et præd. querens similiter, &c.

*Entrée in le Pey & Cui.*

Ad hanc cur. ven. I. N. in propria persona sua & queritur versus T. M. de placito terrar. videlicet de uno mesuagio uno gardino et uno pomar. cum pertinent. et inven. pleg. de proseguendo querelam suam prædict. viz. I. D. et R. R. protulit rur prosequi querelam suā præd. die predicto mesuagio gardin. et pomar. cum pertinentiis in L. natura et forma brevis dom. regis de ingres. in Per et cui dicendo, quod idem mesuagium gard. & pomar. cum pertinentiis sunt jus & hæred. secundum consuetudinem præd. et in quæ præd. T. M. non habet ingress. nisi per E. nuper uxorem W. M. & fil. R. P. cui præf. R. P. et M. uxor illa dimisit R. N. per rem ipsius I. N. infra quinquaginta annos jam ultim. elapsos, &c. Et post processum inde sibi fieri versus præf. T. M. secundum consuetud. maner. ideo secundum consuetud. illius precept. est I. D. subballivo et ballivo maner. ac ministro Cur. prædict. quod secundum cons. manerij præd. sum. per bonos sum. præf. T. M.

T.M. quod sit ibi ad prox. cur. scz. 4. die M. prox. futur. hic tenend. ad respond. [præfat. I.N. de placito prædict. &c. Idem dies dar. est I. N. hic, &c.,

*Common recoverie in droii patens  
by consens.*

Ad hanc curiam venit A. B. cives et mercator. L. in propria persona sua et queritur[ur] versus VV. W. de placito terræ, videlicet de uno mesuagio; uno g[ar]din. et una agr. terr. cum pertin. in I. rent. de isto manerio per copiam rotulorum Cur. et fecit protestationem in prosequi quer. lam suam. præd. in cur. præd. in forma et natura brevis dom. regis de rect. patent. ad communem legem secundum consuetudinem manerij præd. et inven. pleg. de prosequend. querelam suam hic in eadem cur. scz. I. Den. & Fen. et process. superinde fieri versus præf. W. W. secundum consuetud. manerij præd. [ideo secundum cons. manerij præd. præcept. fuit L. S. balivo maner. præd. ac ministro cur. illius quod sū. præd. R. C. vadeat inde legem suam se duoden. manu pleg. de lege J. M. et R. F. et vener. cum lege sua hic ad prox. cur. in propria persona sua & dict. est præfat. Attorn. præd. R. T. quod tunc habeant hic eundem R. C. magistrum suum in propria persona sua ad perficiend. legem suam præd. &c.

Ad quem diem hic ven. prædict. R. C. et perfecit inde legem suam præd. se 12. manu prout ea superius v[er]o. Ideo cont. est quod præd. quer. nihil capiat per placitum suum præd. sed sit in mis. pro falso clamore suo inde &c. et qd. præd. defeat. ex superius versus eum queritur ideo cons. est quod



nerio per copiam rotulorum cur' ist' ut jus hereditatis suam et unde dicitur. quod ipsemet fuit seilicet de rent. præd. cum pertinen' in dominio suo ut de feodo et iure secundum consuetudin. manerij præd. tempor. pacis tempore dom. regis nunc capiend. inde expler' ad valenc. &c. Et qd tale sit jus suum offert, &c.

*Respons.*

Et præd. W. W. venit et defendit jus suum quod dicitur. et seilicet de qua seilicet &c. ut de feodo et iure, &c. et maxim. de tenementis præd. cum pertin. et rotum, &c. Et ponit se super homagium præd. dom. regis cum prædict. secundum cons. manerij præd. et petit recogn. fieri utrum ipse magis jus habet tenend. tenement. præd. cum pertin. licet ille tenet an. præd. A: B: habend. tenement. præd. cum pertin. sicut ille superius petit &c.

*Imparlance.*

Et præd. A: B: peti licentiam inde interloquend. usque horam x ante meridiem ejusdem diei ut habeat &c. et eadem hora dat. est præd. VV: hic &c. Et postea idem A: B: peruenit hic in cur' isto eodem die ad prædictam horam in propria persona sua. Et præd. VV: VV: licet solenniter erat non venit, sed in contemptu cur' transiit et defuit fecit. ideo secundum consuetudinem manerij præd. concess. est per cur. quod præd. A: B: recuperet seilicet suam versus præd. VV: VV: de tenementis prædict. cum pertin. secundum



cundum cons. maner. præd. tenend. eidem A. B. et hered. suis secund. cons. dicti maner. quiet. de præd. W. W. et hered. suis imperpet. et idem W. W. in mi'a. & c. et modo ad istam cur' dom. in executione iudicii et recuperationis pred. per Senesc. suum concessit pref. A. B. de tenement. præd. cum pertin. seisin. tenend. sibi hered. et assign. suis per viag' ad volant. dom. secundū cons. huius m'ner. et fecit inde dom. finem et fidelit. et admissit. et inde tenens.

Et postea scilicet ad istam eandem cur' præd. A. B. ad tunc presens existens ven' ac pred. W. W. surreddidit in manus dom' gent. pred. cum pertin. ad opus et usum præd. A. B. hered. et assignat. suorum imperpet. et ulter. pred. W. W. remisit. relaxavit, et omnia pro se & hered. suis imperpet. quiet. et iur. pref. A. B. hered. & assignat. suis an sua plena & pacifica possessione et seisin. existen. die concessit. omnis present. totū ius statum, titul', clamorū, interese, seu demand. sua quocunque que unquam habuit habet. seu tenementū pred. cum pertinentiis aut in aliqua parcella eorundem, ita viz. quod nec pref. W. W. nec hered. sui aut al' contra aliquod ius titulū, statū, clamorū, interese, seu demand. debeat in tenement. pred. cum pertinentiis suis nec in aliqua parcella eorundem de cetero cogere. clamorū seu vindicte. potestatem nec debeat in futurū sed ab omni actione iuris, tituli, clamorū, interese, et demand. inde pretend. imperpet. sine exco'ss. ut quilibet eorū sit exclusus imperpet. per presentem et p'extera pref. W. W. concessit pro se et heredibus suis ad ipse warrant. tenement. pred. cum pertin. pref. A. B. et heredibus suis contra omnes homines imperpet.

*Common recovery in curia in fe  
post by consent.*

Et postea scilicet ad istā cur. venerunt R.M. & M.M. et querunt versus præd. M.M. de placito test' viz. de præd. octo ac. præi. et fecerunt protestationem sequi querelā istā in forā. et natu' brevis dom. regis de ingres. super seisinā in se post. Et super hoc prædict. R. et W.M. in propriis personis suis petunt versus præd. M. M. præd. octo ac. præi. cum pertin. in l'infra jui i' dictionē hujus cur. ut jus ut hæredit. suam et in quas idem M.M. non habet ingres. nisi post disseisinā quā H.H. inde injuste et sine judicio. fecit præf. R. et W. infra trigint' annos jam ulterius elapsos; &c. Et vido dicunt quod ipsimet fuerunt seisi' de præd. octo ac. præi. cū pertin. in dominico suo ut de feodo & jure ad voluntatē dom. secundū cons. manerij præd. capiend. inde expler. ad valent' &c. Et in quas; &c. Et inde producant' se &c. &c.

Et præd. M. M. in propria persona sua ven. & defend. jus suum quando; &c. & vocat. inde ad warrant. præd. VV. T. qui præsens est hic in cur. in propria persona sua et gratis prædict. octo ac. præi. cum pertin. ei warrant. Et super hoc præd. R. et VV. M. petunt versus ipsam W. T. tenent. per warrant. suam præd. octo ac. præi. cum pertin. in dominico suo ut de feodo et jure ad voluntatē dom. secundū cons. manerij præd. tempore pacis tempor. dom. regis nunc capiend. inde expler. ad valent. &c. Et in quas &c. Et inde producant' se &c.

Et præd. A: B: petit licentiam inde interlo-  
quend. usque horam xj ante meridiem ejusdem  
die.

*Plaints de mort d'antecesser.*

R: C: queritur versus W: L: et E. uxor. ejus de  
placito terr. viz. de uno mesuagio trigint. acr.  
prati et cent. acr. pastur. cum pertinentiis in lina-  
fra jurisdictione hujus cur. et fecit prorestationem  
prosequi querelam suā in forma et natur. brevis  
Dom. Regis assise mortis antecessoris ad com-  
munē legē &c. Et petit process. pro eo heri secun-  
dum cons. hujus manerij in forma et natura brevis  
præd. dirigend. ballivo et ministris hujus cur. et  
qd iidē ballivi et ministri per mandat. et precept.  
dom. hujus manerij et secundum cons. ejusdem  
maner. sum' per bonos sum. xij probos et legales  
homines de homagio hujus manerij quod sint co-  
ram senesc. ejusdem manerij ad prox. cur. infra  
maner. istud tenend. parati sacramentum cognoscere.  
Si R: C: pater prædict. R: fuit seisin in domo  
minico suo ut de feodo ad voluntatem dom. se-  
cundum cons. manerij istius die quo obiit de et in  
uno mesuag. trigint. acr. prati et cent. acr. pastur.  
re de terra custom. hujus manerij cum pertin. voc.  
C: infra jurisdictionem hujus cur. die quo obiit  
Et si idem R: pater obiit intra quinquaginta anno-  
rum ultimos elapsos, et si præd. R: filius sit propin-  
quus heres prædict. R: patris, et interim terr. &  
tenement. prædict. videant, et quod sum. per bo-  
nos sum. præd. W: et E: qui easdem terr. et tene-  
ment. nunc tenent qd sint ibi ad audiend. recogn.  
et inven. pleg. ad prosequend. querelā suā præd. Et  
manerij præd. concess. est per cur. quod prædict.  
A: B: recuperet seisinam suam versus prædict.  
R.

R. et W. M. plenā seisinā de præd. octo acr. prati cum pertin. p. totum per præcept. præd. sibi mandatum fuit &c.

Et postea scilicet ad istam eandem curiam prædict. R. et W. M. et præd. W. T. ad tunc præsent. existen. venerunt ac sursum reddiderunt in manus dom. in eadem cur. præd. octo acr. prati cum pertin. ad opus et usum præd. M. M. hæc et assign. suorum cui dom. per seneschallum suum præd. concessit inde seisinā per virgā habend. et tenend. sibi et hered. suis ad voluntatem dom. secund. consuet. maner. præd. &c. Et ulterius præd. R. et W. M. & W. T. remiserunt, claxarunt et omnino pro se et heredibus suis imperpetuum quiet. clam. pref. M. M. heredibus et assign. suis in sua plena et pacifica possessione et seisinā existens in plena et totū jus statum, titulum, clameum, interesse, seu demand. sua quecumque que unquam habuerunt habent seu quovismodo in futur. habere poterint de aut in præd. octo acr. prati cum pertinentiis aut in aliquo inde parcel. ita viz. qd nec pref. R. et W. M. et W. T. nec hered. sui aut aliquis eorum aliquid jus, titulum, statum, clameum, interesse seu demand. de aut in præd. octo acr. prati cum pertinentiis suis nec debent in futur. sed ab omni occasione juris, tituli, clam. usus interesse, et demand. inde petend. sint exclusi, et quilibet eorum sit exclusus imperpetuum per presentes. et per tunc prædict. VV. T. concessit pro se et hered. suis quod ipse et prædict. octo acr. prati cum pertin. pref. M. M. et hered. suis cont. omnes homines imperpetuum &c.

*De iur. missis.*

G. B. queritur versus R. G. de placito debet.  
 G. B. s. iv d. pro eo viz. quod cum präd. R.  
 T. decimo die Aprilis an. &c. apud I. infra juris-  
 dictionem hujus cur. emisset de eodē G. B. tres-  
 decim ligneas olei vneat' meas oyle pro quindecim  
 solidis, et tribus denarijs unā centenam de  
 madder pro quindecim solidis, et tribus denario  
 solvend. eidē C. B. cum inde requisit. fuisset, quæ  
 quidem sumæ in toto se attingunt ad präd. 30 s.  
 4 d. präd. tamen R. C. licet sepius requisit. präd.  
 30 s. 4 d. eidem G. B. nondū redā' sed ill' ei huc-  
 usq. rectlere contradixit et adhuc contradic. unde  
 dic. quod deteriorat. est et damno. habet ad valenc.  
 et inde producsit. &c.

Et prædict. R. C. per I. A. attornatum suum  
 et defend. vim et injur. quando, &c. Et dic.  
 qd ipse non debet præf. G. B. præd. 30 s. 4 d. ac  
 aliquem denarijū inde in forma qua idem G. B.  
 superius versus eum queritur, ideo cons. est quod  
 præd. R. C. valeat inde legem suam se duoen.  
 manu pleg. de lege J. M. et R. F. et vener. cum le-  
 ge sua hic ad prox. cur' in propria persona sua  
 est præfat. Attorni præd. R. T. quod sic  
 habeant hic eundem R. C. magistrum suum in  
 persona sua ad perficiend. legem suam, &c.

Ad quem diem hic ven. prædict. R. C. et per  
 eum inde legem suam præd. &c. et præd. prout in  
 superius vult. ideo cons. est quod præd. cur. nihil  
 opiat per placitum suum præd. sed si in iust. præ-  
 fissa clamore suo inde &c. et qd præd. defen. est  
 inde sine die.

And

## Of a Court Baron.

And as for al other actions which will lie in this court, you shal find sufficient precedents in them in the hundred court parcel of this book toherunto I refer you.

*Breve de Grand Cape.*

J. VV. Seneschallus ballivo ejusdem manerij salutē tibi precipio quod capias in manum dom. per visū proborū et legaliū hominum J de manerio isto tertiam partē unius mesuag. et viginti acrar. cum pertinentiis in I. quam A. J. in cur. ista dē. clam. versus T. J. nuper de I. ut dotē ipsius A. ex donation. pred. C. J. quondam viri sui per breve de dote unde nihil habet pro defectu ipsius T. J. de exceptionis scire fac. mihi, et sum. Iper bonos sum. pred. T. quod sic hic ad prox. cur. inde respondi. ostend. quare non fuit hic ad ultimā cur. sicut sum. fuit, et habeas ibi nomina eorū quibus hoc fecerim sum. teste, &c.

*Le entre de grand Cape.*

A que fuit uxor. C. I. per A. B. attornarios suos obtulit se ad istam curiam versus T. J. de placito tertie partis unius mesuagij & viginti acrar. terre cum pertinentiis in J. que eadem A. in cur. ista hic clamat. ut dotem suam ex donatione predict. J. C. quondam viri sui eorū tenementis predict. sunt infra dominium istud. Et mulieres que post mortem virorum suorum de tenementis in I. predict. existent. dotabiles sunt secundum consuetudinem de eodem manerio.

nerio A: tempore quo non extat memoria hominum usitate. de tertia parte eorundem dotari debent, &c. et ipse non venit et summon. &c. i-  
deo per iudicium cur. tertia pars predict. cum pertinentiis capiatur in manu domini &c. [at die,  
&c. predict. summ. quod sit hic ad prox. cur.  
&c.

*Fecit Capa.*

**I: VV:** Seneschallus ballivo ejusde salur. tibi precipio quod capias in manu dom. per visu proboru & legaliu hominu de manerio isto unu mesuagiū cū pertinentiis qd A: C. in cur. ista clam. ut jus suū versus B: R. per querel. forma donationis in le maner. pro defectu ipsius B: et diē captionis scir. fac. mihi ad prox. cur. & sū pred. B: R: qd sit hic coram &c. tali die inde responsur. & ostensur. quare non fuit hic in cur. ista corā &c. tali die prox. preterit. sicut sum fuit, et habea ibi hoc precept. et qualit. &c.

*Le entree de petit Capa.*

**T: Q.** ar. et I: uxor. ejus per attornatū suū opon. se quarto die versus H: B: de I: et A: uxori ejus de placit. tertia partis octo mesuagiorū et octo virgat. terr. cum pertinen. in I: quam prad. T: et I: in cur. ista clam. ut dotem ipsius I: ex donatione G: S: quondam viri sui versus eos, & ipse non ven. & habuerunt inde diem hic usque ad hunc diem scilicet decem diem &c. postquam alias comparuerunt hic in cur.



ideo per iudiciū terra pars p[re]d. cum pertin.  
cipiatur in manum dom. Et ipsi sum. &c. quod  
hic in die &c. videtur. inde iudicium sum.

*Habere facies regium.*

**I:**W: Senef. ballivo ejusdem salut. scias quod A.  
**B:** in cur. tenta tali die per. cōsideration. ejusde  
 cur. recuperavit scilicet unam versus B: C: de oē.  
 act. terr. cum pertin. in I: per default. qd B: et idē  
 tibi p̄cepto qd eidem A: n: plenariam scilicet  
 remissionē p̄ced. cum pertin. sine dilatione habere  
 facias servat. Et habes ibi. hoc p̄cept. & qual.  
 dec. Dat. etc.

I. e. c. i. n. t. u. r. d. e. p. r. i. m. o.

# The

6. bestem gias comestunt hic in car.  
 7. cum hic miter ad hunc dicit scilicet deest dicit  
 8. vult eos. & igit non ven. & habent inde  
 9. I. ex donatione G. 2. quondam viri in  
 10. com piaz. T. 1. in car illa clam. ut dicitur  
 11. magior et octo virg. cum pectore in 1.  
 12. uxore ejus de placet. totius parit octo mil-  
 13. opon. le puto die velus H. B. de 1. et A.  
 14. 5. et I. vior. ejus per pectore in 1.





The manner and forme  
how to keepe a Hun-  
dred Court, or Court Baron  
commonly called a Three-  
weekes Court, and a  
Court of ancient  
Demaine, as  
followeth.

**F**irst the Steward must enter in  
his Court Book the Title of the  
Cause thus *in nomine domini*  
In our R. To Milawencij five hun-  
dred and A. VVestbrooke sent. And  
in die et an. entering the same Title at large  
coram A. B. et C. D. first justice. And  
then the Steward must say, O-yes  
that is, he must make an O-yes, and say O-  
bedience and Obedience before the Court three  
times, and then say, all manner of persons  
that have anything to do at this Court, this  
morn, and gibe your attendance, and if any  
man will be assigned let him come forth and  
be assigned, or if any man will enter his  
plaint, let him come, and he shall be heard.  
This

This done, if any man will enter any plaite  
you must enter them after this manner.

**A:** queritur vobis C. D. de placito debit. vel  
de placito transgressionis vel de placito captionis et  
injuste detentionis averiorum suorum vel similia,  
&c.

And if any man will be efforced, you must  
enter their effoyns thus:

**I:** Sufficit est pro secta capere **V V D. W O D**

Also there be four other manner of effoyns  
which are seldom used to be cast, and these be  
they, viz. If a man be in the Kings warres, or  
Embassage, or in any other of the Kings bu-  
sines, or beyond the seas, or if any man be sick  
in his bed, or if any man be lettered or hindered by  
water, so that he cannot come to the Court,  
whicheffoyns must be entered after this manner.

**J:** S: effonat. est quia in servic. domini regis  
&c.

**A:** S: effon. est quia ultra mare.

**T:** S: effon. est quia est de malo lecti.

**V:** G: effon. est quia non potuit venire, propter  
fluxum vel altitudinem aque.

And there be three other manner of effoyns  
which are in plea the one after summons, or at-  
tachment, and the other after other topurs, and  
to be entered after this manner.

**I:** Si qui summons fuit vel attachment et non  
disignat hanc causam ad respondendum. Et si de  
etiam debet, vel si aliter modo effonat est per **D V V**.

And the other must be entered after this  
manner.

**J:** S: qui habuit dilectum alique ad hanc causam  
in iunctis inter. Et si querat. Et **V V** de effon.  
do effon. est per **D V V**, &c.

And if he be upon a wager in Law, then it  
must be entered after this manner:

I. S. qui habuit diem ad hanc cur. ad faciend. lo-  
gem suam versus T. K. quer. in placito debiti modo  
con. est per W. D.

And in like manner the plaintiffe may be es-  
cigned if he will be if the one party be escigned  
in one Court, the other party may be escigned at  
the next Court following.

And you must understand, that whosoever  
will cast an escigne in these Courts, he must  
come at the beginning of the court when pro-  
clamation is made, or else he ought not to be  
received.

And note also, that in al these cases follow-  
ing, the party cannot be escigned: first, if he  
have an attorney in the same same plea, plea  
in the Court, or if the party himselfe be  
seen in the Court, or if there be no plea, if the  
party made default at the last Court before,  
then he cannot be escigned, or if he come in by  
Capi corpus, or distress, or if he come in the end  
of the court, he cannot be escigned, as appereth  
by the statute of escigns made in the 21. year of  
Edw. 3.

And you must also understand, that for every  
default that the defendant maketh after his ap-  
pearance, and day given to answer or to do his  
plea, & then make default at any day, he shall  
be called non suit, & he and his pledges amerced,  
and that in where the plaintiffe is a stranger  
dwelling out of the jurisdiction of the Court,  
where he finds pledges, if the Case should passe  
against him, his pledges must then pay the def.  
cost, which is a thing ever reasonable, but sel-  
domer or never used.

And

And the Sheriff of the Court, at the beginning of the Court must enquire of the Bailiff how he hath served the attachments and distresses, & other precepts to him directed, and if he say that they were served, then call the parties, and if the plaintiff have not his declaration ready when the defendant appears, he shall be called non suit, thus, *N. B.* come forth and prosecute thy action against *T. D.* if else thou wilt be non suit and if he come not forth sedente cur, or come for him to stand further time to declare, which the Court in discretion may grant him, then he shall be non suit of course, and if the defendant make default, goods and go forth against him: and in a personal action the processes are summons, attachment and distress infinite, which attachments & distresses must be reasonable, and not outrageous, according to the Statute of *Marebridge* cap. 4. And if the defendant make default upon the attachment or distress, they being served, and so returned by the Bailiff, then the goods so taken by attachment or distress be forfeit to the Lord of the Court, and the defendant shall also be amerced, and a new Distingas shall go out against him: and if the defendant appear, and then after make default, he shall be condemned by default, and a nihil dicentur against him, and the Sheriff must enter both the effect of the declaration for the plaintiff, and of the plea or answer for the defendant.

And if the parties plead to an issue triable by an Inquest, process must be made to summon the Jury, viz. a venire fac, and if the defendant be condemned either by default, or by

verdict,

verdict, then a Levam fac. shall be awarded to  
 meet levy of his goods, & thereupon the de-  
 fendants goods shall be taken, payed, & sold,  
 to satisfy the party Plaintiff, & if the Def. have  
 no goods whereupon levy may be made, then the  
 plaintiff is without remedy, except it be by a writ  
 habe corpus which is used in some places to  
 take the body, then the body may be taken by a  
 Capias ad satisfac. & laid in prison thereto remain  
 until the pl. be satisfied: but you must under-  
 stand that in a county court, hundred court, or  
 court Baron, there can be no plea set in where  
 the debt or damages amount to ten shillings or  
 above.

And it is a Maxim in law, that in all courts  
 which are not courts of record, the matter if it  
 be for debt ought to be tried by oath, that is,  
 by tender of law by the Def. & not otherwise, un-  
 less it be by assent of both parties.

## The forms of a Proccesse in balle Courts, which are Courts of Record.

### A Summons.

Precc. est ballivo ibidem quod sum fac. C. D.  
 quod sit hic ad prox. cur. ad respond. A. B. in  
 debiti, detentionis, reus, vel simil.

### An Attachment.

Precc. est ballivo ibm. quod attachiat. C. D. per bona  
 bona et catal. sua, quod sit ad prox. cur. ad respond.  
 A. B. de placito debiti. vel simil.

### A Distress.

Precc. est ballivo ibm. quod distring. B. D. per bona

## Of a Hundred Court, &amp;c.

&c. catal' sua quod sit ad prox. cur' ad respond. A. B.  
de plac' debiti, &c. Teste I. W. gen. Senel. ibid.

*Al' distring' & plur' distring'.*

Prece' est ballivo ibide' sicut al' vel sicut plur' tibi  
preceptum quod distringas, &c. ut supra.

*A Venire fac.*

Prece' est ballivo ibide' quod venire fac, & probos  
& legal' hom. de ballivo suo qd' sint hic ad prox. cur'  
ad triand' exit. junct. inter A. B. quer. & C. D.  
def. de placito vel similia.

And if a full Jury do not appear, then as many  
as make default, and be not esconed, shall be  
amerced, & a decem tales awarded to summon the  
more, as followeth, & the same day given to the  
Grand Jury.

*Decem tales.*

Prece' est ballivo ibide' qd' venire fac, decem tales  
probos et legal' homines de ball' suo qd' sint hic ad  
prox. cur. cu' alijs qui sibi adunc et ibidem affoci-  
entur ad triand' exit. junct. int' A. B. quer. et C. D.  
defend. de placito debiti vel similia.

It whiche day as many as make default & be  
not esconed, shall be amerced, and then an Odo  
tales shall be awarded, and after that if need be  
a Sex. tal.

And if there appear a full Jury, then both the  
parties shall have their challenges lawful to  
the Jury, & if the Jury find for the plain. then  
they must give cost of suit & damages, & in the  
like manner shall assess damages, if they find  
for an Abbots or a Replevin, &c.

*A levare fac.*

Prece' ballivo ibidem qd. de bonis et catal. GD.  
levare fac. i. s. quos A. B. in hac cur. recuper-  
verit. cum in placito debiti vel similia, et pro-  
miss et custagiis suis. I. s. I. a qd. illos den. habet

hic ad prox. cur. ad reddend. pred. A: B: Teste etc.

And if the Bayllif return that he can find no goods of the said C: Di then if the custom be that he may have a Capias to take the body and lay him in prison till such time as he hath satisfied the party: The form of which precept is thus:

*A capias ad satis.*

Præc. est ballivo ibidem quod capiat C: Di et eum in prisona sua salvo custodia fac. quousq; satisfecerit A: B: tam de 20 s. pro debitis quos præf. A: B: recuperavit versus eum quâ 12 d. promis. et custag. suis, etc. Teste, etc.

And if any goods be taken wrongfully, then the party grieved may have a Replevin, which must be made after this manner.

*A replevin.*

I: Wigen. Senes. R: T: mil' R: F: ballivo hundred, de A: salut. quia A: B: invenit mihi suffic. securitatem tam de clamore suo proseq. quâ de averiis suis, viz. uno bove quæ C: Di cepit, et injuste detinet undicitur return si return unde ad judicetur. Ideo tibi precipio pariterque mado quod bove præf. A: B: sine dilacione replegi et deliberat. fac. & pon. per vad. et salvo pleg. predictus G: Di quod sit ad proximâ curiâ apud A: pred. tenend. ad respond. præf. A: B, de placito captionis et injuste detentionis bovis predicti. et qualiter hoc preceptum meum fuerit execut. mihi ad proximam curiâ apud A. predictus tenend. constare fac. sub periculo incumbent. uno cum hoc precepto, datum sub sigillo meo die Aprilis anno reg. dom. nostri Jacobi dei gratia Angliz, Franc' et Hib. reg. fidei defensor, etc. 15. et Scotiz, s. 1.

*I. Wigen. Senes. R: T: mil' R: F: ballivo hundred.*



And if the Baylliffe do not Deliber the plaint, his cause by virtue of the said Replevin, the the plaintiff may have an alias replevin for these words, vel causam mihi significes, which Replevin must be made after this manner:

*A l. replevin.*

I. W. gen. Sen. R. T. R. Fbal. manerii five hund. sui de A. salut. Quia A. B. inven. mihi sufficient. secur. tū de clamore suo prosequend. &c. as in the other replevin. Ideo tibi precip. pariterque mando, sicut alias tibi mand. bové pred. eidē A. B. sine delatione replegiar. fac. vel causam mihi significes, quare mandat mea tibi inde direct. exequi noluisti aut non potuisti, et pon. per vad. et salvos pleg. &c. ut antea in the other replevin.

And if the Baylliffe do not Deliber the plaint his cause upon this Replevin, nor shew sufficient cause why he did not, then the party may have a Plures Replevin, vel causam mihi significes, which must needs be verbatim as the alias Replevin was made, only changing this word alias into Pluries: & if the Baylliffe returne upon any of these Replevins; quod averia elongat. sunt ad loca sibi ignota Ita qd. averia ill. præf. C. D. deliberat. non potuit, then the plaint. may have a Withernā, which must be in this manner:

*A withernā.*

J. W. gen. Senes. R. T. milit. R. F. Bal. manerii five hund. sui de A. salut. Cum A. B. invenit mihi sufficient. securit. tam de clamore suo prosequend. quam de return. habend. de uno bove, &c. si return. inde adjudicetur quē E. D. apud C. cepit et injuste detinet ut dicitur, & pred. ballivus super divers. precepta mea de repleg. fac. eidē ballivo direct. mihi certificavit qd. præd. bos elongat est ad loca sibi ignota. Ita qd. visū ejusdē habere non potuit,



potuit. Ideo tibi precipio pariterq; mado quod ex-  
prias in Withern catall' ad valenc' dicti boyis de ca-  
tall. dicti C.D. ad deliberand. pref. A. B. pro bove  
pred. sic elongat. et pon. per vade. et salvos pleg.  
prad. C.D. ut super in the first Replevin, &c.

*Deliberatio.*

I. VV. gen. Senef. R. T. miles cur' manerii sive  
hund. sui de A. R. F. ball. maner. sive hund. pred.  
necnon I. S. et R. B. ball. hac vice tant. salut. ex  
parte dom. regis vobis et cuilibet vestrum conjunct. et  
divisum mando qd. deliberari fac. seu unus vestru de-  
liberari fac. C.D. averia sua quia A. B. cepit et in-  
juste detin. contra vad. et pleg. ut dicitur. Et quod  
pon. seu &c. prad. A. B. quod sit hic prox. cur. tenend.  
pref. C.D. inde responsur. de placito prad. et respō.  
sū hujus præcepti mihi constare fac. seu, &c. ad prox.  
cur' dat. &c.

*Al' capias in withernam.*

I. W. gen' Sen. R. T. mil. maner. sive hund. sui  
de A. ballivo hund. de A. necnon A. D. et C. B. bal-  
meis hac vice tantū itinerāt. salut. Quia R. E. ball'  
hundred. prad. ad cur. hund. illius coram me tent. a-  
pud A. tali die et anno &c. mihi return. quod  
virtuti warranti mei sibi plur. direct. accessit ad  
parcum I. D. apud locum ubi averia prad. impa-  
cat. et detent. fuerunt per eūcē I. D. et averia ill'  
eunt. et elongat. fuerunt ante adventum suum ex-  
hund. prad' ad loca sibi ignot. per pradict. I. D.  
per quod averia prad. ball. prad. repleg. non potuit  
quare consist per cur. volent. malice ipsius I. o-  
bular. quod averia prad. I. caperentur in Withern.  
ad valenciā, & ea præfat. A. B. deliberentur  
salvo et secur. custodiend. donec eidem A. B. ave-  
ria sua prad' secundū legem repleg. poteris et  
parva senior. mandatū mei prad. Ideo vobis &  
cuilibet vestrum conj. et divisim mando quod capiat

seu etc, averia predict, I. D. ad valēc, etc. in Withero  
nā et ea pref. A. B. deliberari fac. seu etc. salvo et se-  
cur. custod. quousque etc. et distringat seu etc. pref.  
I. D. Ita quod sit apud A. ad proximā cur. ibidē  
tenend. ad respond. pref. A. B. de placito. pred. et  
respons. hujus precep. nūc constare fac. seu, etc. ad  
prox. cur. dat. sub sigillo officii mei tali die et an-  
no, etc.

**Note that when the said Replevin is gran-  
ted, there must be a bond taken of him to whom  
it is granted, or of some other for him, to appear  
at the next court, and to prosecute his suit with  
effect, or else it may be prejudicial both to the  
grantee of the Replevin, and to the executioner  
thereof: and the form of that bond & condition  
thereof is this.**

*An Obligation upon a replevin.*

Noverint universi per presentes me Anton' D:  
de A. in com. S. gener. teneri et firmiter oblig.  
Richardo T. mil. dominus hund. de A. in decem  
lib. bone et legal. moneta angliz solv. nd. eidem  
Richard. aut suo certo attorney, executor. vel assignat.  
suis, ad quam quidem solutionem bene et fide-  
liter faciend. obligo, me hered. exec. et administra-  
tores meos firmiter per present. sigillo meo sigillat.  
dat. x. die Feb. anno regn' dom. nostri Jacobi dei  
gratia angl. Scot. Franc' et Hibern. regis fidei de-  
en. &c. viz. angl. Franc. et Hibern. 14. et Scotiz  
10.

*The Condition thereof.*

**The condition of this Obligation is such,  
That if the above bounden J. D. do appear  
the next Court of the above named Sir R. T.  
to be holden within his Manor of J. in  
the County of Southampton, and then and  
there prosecute with effect his suit or action  
against**

against **H. B.** for the wrongful taking & detaining of his cattle, as he hath alleaged, and doe make return thereof, if return thereof shall be adjudged in the said Court by course of Law, & also do save and keep harmlesse the said **H. M.** Steward of the said Court, & the bayliffs in all things touching or concerning the granting or execution of the said Replevin, without fraud, robin or delay, that then this present Obligation to be void, & of none effect or else the same to stand, remain, & continue in force strength, & verue.

And if it be ancient Demesne, then they use to acknowledge fines, & suffer recoveries of their land which they buy and sel within ancient demesne, and that is by the Kings writ of Right close issuing out of the Chancery, directed to the Bayliffe of the Court, and they are entred in the Court book in this manner.

*Alton we Westbrook, the forme and manner of a fine there.*

**Cur Ric. T.** et **H. uxor ejus** Ibidem tenent die Jovis viz. x. die I. an. reg. &c. reciting the stile of the R. at large corā **R. B.** et **J. inspectoribus ejusdē cur** sed in cons. ejusdem cur<sup>a</sup> a tempore ejus contrar. memoria hominum non existit.

Ad hanc cur ven. **I. M.** in propria persona sua, & protulit hic in cur<sup>a</sup> breve dict. dom. Regis de recto clauso versus **I. F.** et **S. uxor ejus** ballivo **R. T.** mil. et **H. uxor ejus** manerij sui de **Alton Westbrook** directi in forma juris sed in cons. maner. præd. exequend. et termin. ejus quidem brevis ten. sequit. in hac verb. **Jacobus** &c. et sic recitand. tot. br. verbat. & c. super quod præd. **J. M.** secund. cons. maner. præd. fecit protectatio prosequi breve

hic suū præd. vers. præf. I. F. et S. ux' ejus in forma in nat. bris. dom. reg. de convē. ad cōm legē ad finē inde in eo de tentis præd. cū pertin. in breve præd. spec. hēd. et levand. petend. quod præd. I. F. et S. ux. ejus teneant et convēng. detentis præd. cū pertin. in Alton W. Et inven. pleg. de prof. br' e suū præd. viz. I. D. et R. R. super quo iudē I. S. et F. uxor ejus solēpn. exact. sunt et cōparuerunt, et super hoc iudē I. S. et F. ux. ejus petunt licentiā concordandi cū præd. I. M. de placito prædict. et dat. dom. pro tali licen. 3. s. 4 d.

Et est concord. talis sci. quod I. F. et S. ux. ejus recogn. tē. præd. cum pertinen. esse jus ips. I. M. ut ill. idem I. M. habuit de dono præd. I. F. et S. ux. ejus, et ill. remisit. et quiet. clam. de se et hæred. suis præf. I. M. et hæred. suis imperpet. & præterea iudem I. F. et S. ux. ejus concess. pro se & hæred. ipsius I. F. qd. ipse wa. r. tent. præd. cū pertinen. præf. I. M. et hæred. suis cont. præf. I. F. et S. hæred. præd. I. F. imperpet. Et pro hac recog. remission. quiet. clam. wa. r. sine et cōcordia eidem I. M. dedit. præf. I. F. et S. ux. ejus xl. marc. sterling, &c.

**The title of the Court must be set down as it is before in the fine mutatis mutandis, and the asscession shall serbe. Then thus:**

*The forme of a recovery there.*

**A**D hanc cur. venerunt R. H. et T. S. in propriis personis suis, et prouler. hic in cur. breve Domini regis de rectis claus. versus I. M. ball. R. T. Mil. et H. uxor. ejus maner. sui de Alton. Westbrook direct. in forma juris sedm. cons. maner. præd. exequend. et terminād. cujus quidem brevis tenor sequitur in hæc verba, Jacobus, &c. et sic recitand. breve verbat. ut supr. **in the fine.** Super quo præd. R. H. et T. S. sedm. cons. maner. præd. fecerunt protestationē prosequi breve suum præd. versus præf.

præf. I. M. in form. et natur. brevis dom. regis de  
recto ad communē legē. & invener. pleg. de profe-  
quēd bre. suum præd. viz. I. Doo, R. Roo, et petūt  
processum eis fieri versus præf. I. M. scdm. cons. ma-  
nerij præd. et præd. J. M. solemniter. exact. com-  
paruit, & venit hic in cur. in propria persona sua.  
Super quo iidem I. H. et T. S. petunt versus præf. J.  
M. tenēm. præd. cum pertin. ut jus et hæred. suum  
Et in quæ idem I. M. non habet ingress. nisi post dis-  
seisin. quā H. H. injuste et sine judicio fecit præf. R.  
H. et T. S. infra trigint. ann. &c. & unde dicunt  
quod ipsimet fuerunt seisit. de tenement. pred. cum  
pertin. in dominico suo ut de feodo & jure tēpore  
pacis tempore dom. Reg. nunc capiend. inde explef.  
ad valenc. &c. & in quæ, &c. et inde producunt  
sect. &c.

Et præd. I. M. in propria persona sua ven. præd.  
defend. jus suū quando, &c. Et vocat inde ad warr.  
I. F. qui presens est hic in cur. in propria persona  
sua, Et grat. rehemē. præd. ei warr. &c. Et super  
hoc iidem R. H. et T. S. petūt versus ipsum I. F. te-  
nem. per warr. suā ten. pred. cum pertin. in forma  
pred. &c. & unde dicunt qd. ipsimet fuerūt seisit de  
tenē pred. cū pertin. in dominico suo ut de feodo et  
jure tempore pacis tēpor. dōm. Regis nunc capiēd.  
inde exples. ad valenc. &c. Et in quæ &c. et inde  
produc. sect. &c. & præd. I. F. tenens per warr. suam  
defend. jus suum quando, &c. Et voc. inde ad warr.  
I. P. qui similiter presens est hic in cur. in propria  
persona sua, et gratis tēt. pred. cum pertin. eis warr.  
Et super hoc iidem R. H. et T. S. petunt versus ipsū  
I. P. tenen. per warr. suū tenēm. pred. cum pertin.  
in forma pred. Et unde dicunt qd. ipsimet fuer.  
seisit. de tenentis pred. cum pertin. in dominico suo ut  
de feodo & in jure tempore pacis tempore dom. reg.  
nunc capiend. in explef. ad valenc. &c.

Et

Et pred. I. R. tenens per war. suum defendit jus suū quando &c. et ponit se in magnā assisam dom. regis, et petit recogn. fieri utrum ipse majus jus habet tenend. tent. præd. cum pertin. ut tenēs inde per warr. suā ut illē tenet. an. pred. R. H. et T. S. habend. eadē tenem. cum pertin. ut illē superius petiit, &c. et pred. R. H. et T. S. petūt licentiā inde interloquend. et habent, &c. et postea iidem R. H. et T. S. reven. hic in cur. sci. isto eodem die in propriis personis suis, et pred. J. P. licet solemn. exact. non revenit, sed in contemptu cur. recessit et default. fecit, ideo conf. est per curiam quod præd. R. H. et T. S. recuper. seisin. suā versus pref. I. M. de tenem. præd. cū pertin. tenend. eisd. R. H. T. S. et hæredibus suis quier. de pred. I. M. et hæred. suis : ac etiam de pred. I. F. et hæred. suis, et etiam de præd. I. P. et hæredes suis imperpetuum, et quod idem I. M. habeat de terr. prædict. I. F. ad valenc. et quod idem I. F. habeat de terr. præd. I. P. ad valenc. et idem I. P. in mīa, &c.

Ex<sup>r</sup> per I. W.

*Somerschallum ibm*

**Notw here doe folloio dñers and sundry  
formes of declarations and pleadings incident  
and belonging to this Court, as folloioeth,**

*A declaration for debt upon a specialtie.*

**W**ill<sup>m</sup> S. sum. fuit ad respond. E. F. de placit. quod reddat ei 39. s. quos ei debet et injuste detinet &c. Et unde iidem E. per I. B. attorn. suū die. quod cū præd. quinto die Martii anno regni Dom. Regis nunt. Angl. &c. decimo tertio. Apud A. infra jurisdictionē hujus cur. per quoddā scriptū suū obligator. cōcessisset se teneri eidē E. in præd. 39. s. solvend. eidem E. cū inde requisit. fuisset præd. ium W. licet sepius requisit. præd. 39. s. eidē W.

W. nandum reddidit sed illos ei hucusq; reddere contradixit, et adhuc contradic-tide die, quod deteriorat. (st et dampnum habet ad valencia 0. s. et inde produc-t sect. &c. Et profert. hic in Cur. scripti. pred. quod debitum präd. in forma präd. testatur cujus dat. est die et anno suprad. &c.

P leg. de proseq. } Ioh. Doo.

} Rich. Roo.

*Bar in det.*

**E**T präd. def. venit et def. vim et injur. quando &c. et die. quod ipse semper a pred. quint. die Mar. an. suprad. hucusq; parat fuit et adhuc existit ad solvend. pres. quer. pred. 39. s. Et illos hic in cur. profert parat ad solvend. super quo idem quer. 39. s. ille hic in cur. recepit, ideo pred. def. fit inde quietus &c.

*Per prift a  
paler &  
offer.*

*A declaration upon a bill. Oblig.*

**I.** H. fuit ad respond. I. H. de placito qd redd. Iei 30. s. quos ei debet et injuste detinet, &c. Et unde idem I. H. per I. B. attum suum die. quod cum präd. I. H. decimo quinto die Oct. anno regni dom. regis nunc Angliæ, &c. 14. hic apud S. infra jurisdiction. hujus cur per quāda billā suam oblig. quam idē I. Hamō sigillō ipsius I. Holte sigillat. hic in cur. profert cujus dat. est ejusdem die et an. cognovisset se debere eidem I. Hamon 1 s. solven. eidem I. Hamon exec. administ. vel assig. suis in vel super festum Pentecost tunc prox. sequens dat. bill. präd. Et ad eand. soluc. bene et fidel. facietid. Idem I. Holte obligasset se hær. exec. et administ. suos eidem I. Hamon in präd. 30. s. quos ipse cognovisset per billam suā präd. facis facere pro non solut. pred. 1 s. s. Et idē I. Ham. in facto die. qd pred. I. Holte non solvit eidem I. Ham. 1 s. s. nec aliquem inde denar. scdm. form. et effect. billæ präd. per



per quod actio. accrevit. idē J. Hā ad habēd. & exigēd. de præs. l. Holte pred. 30. s. pred. tamē J. Holte licet seip. requisit. eosdē 30. s. eidē I Ham. nond. reddidit sed ill' ei hucusq; reddere contradixit et adhuc contradic. unde dic. quod deterior. est & dampn. habet ad valēc. x. s. Et inde produc. sect. &c.

*Barre per deins age.*

**E**T præs. l. 4. per. l. F. attor. suū ven. et def. vim & injur. quādo. &c. Et dic. qd. ipse de' debito præs. virtute bill. præs. onerari non debet quia dic. quod ipse tempore confectiois bil. præs. fuit infra 21. an. Et hoc parat. est verific. unde per. judic. si præs. l. Ham. action. sua præs. virtute bill. præs. in forma præs. facta versus eum hab. ere debet. at, &c.

*Replis. et Rejoinder.*

**E**T præs. l. Ham. dic. qd. ipse per aliqua p. r. allega. ab actione sua præs. habēd. precludi non debet quia dic. qd. præs. l. Holte tempore confect. bill. præs. fuit plen. 21. an. et non infra 21. an. Et hoc per. quod inquirat. per p. iam Et præs. l. H. similis. Idem duodecim &c.

*Dei sui retinet per wages*

**A.** &c. sum. fuit ad respond. C. D. de placito quod reddat ei 30. s. qd' ei debet et injuste detinet &c. Et unde idē C. per. l. W. utorn. suū dic. qd. cum præs. l. A. x. die Marit. ann. &c. apud S. infra jurisdict. hujuscur. retinisset ipsū C. ad deservieud. dicto A. ab eodem die per unū an. integrum tunc prox. sequē. in officio unius valeat. ad praecept. & negotia ipsius A. quocūq; licet et honesta pro posse et scire suis agend. sollicitand. et exequend. capiēd. de eodē A. per. salar. suo per tēpus illud 30. s. idēque C. præs. A. in officio præs. per tempus præs. bene et fidel. deservisset oīa praecept. & negotia



negotia sua licita et honesta pro posse et scire suis per idem tempus bene et fidelit. fecisset sollicitasset & execut. fuisset, ac præd. 39 s. eicē C. pro salario suo præd. per tempus præd. atretro extitisset non solut. per quod action accrevit eidem C ad exig' Id' & habend. de præf. A. eodē 39 s. prædict. tamen A. licet. sepius requisit præd. 39 s. eicē C. nō. dum reddidit, sed illos ei hucusq; redder. contradixit et adhuc contradic. unde dic' qd' deterior est, & dampnum habet ad valenc' x. s. Et inde produc' sect. &c.

*Barr per rien lay doit.*

Et præd. A. B. per I. W. attorn. suum ven' et def. vim et injuriam quando, &c. & dicit quod ipse non debet præf. C. D. præd. 39 s. nec aliquem denar. inde in forma qua idem C. super. vers. cum warr. Et hoc per. quod inquiratur per patriam. Et præd. A. simil' &c. Ideo 12. &c.

*A confession in debt.*

Et præd. A. per J. W. attorn. suū venit, &c. Et dicit quod ipse non potest dedicere actionem præd. C. præd. nec quia ipse debet præf. C. prædict. 39 s. prout prædict. C. super. versus cum narravit, Ideo conc. quod est præd. C. recuperet præf. A. debitum suum præd. et dampna sua occasione detentionis debiti illius ad 40. s. eidem C. ex assensu suo per cur. hic adjudicat. Et præd. A. in mra, &c.

*Des sur mutuels.*

A. B. attach. est ad respond. E. F. de placito quod reddat ei 30. s. quos ei debet & injuste detinet, Et inde idem E. F. per I. W. attorn. suum dicit quod idem præd. A. B. 10. die F. ann' & cia. pad, &c. infra jurisdiction. hujus Cur. muruat. fuisset de eodem E. F. præd. 30. s. solvend. eidem E. F. cum inde requisit. fuisset, præd. tamen A. B. licet

licet sepius requisit. præd. 30. s. eidem E. F. nodū reddidit sed ill. ei hucusque reddere contradixit et adhuc contradic. unde dic. quod deterior est, Et dampn. habet ad valēc. x. s. Et inde product. scdā &c.

*Imparlance.*

Et præd. A. per S. T. attorn. suū ven. et def. vim et injur. quando, &c. Et per licenc. inde inter loquēd. hic usq; ad prox. cur. Et habet, &c. Idem dies dag. est præf. C. hic, &c.

*Per minas.*

Et præd. W. per N. B. attorn. suū ven. & defen. vim et injur. quando, &c. Et dicit quod ipse de debito præd. virtute script. onerari non debet quia dic. quod prædict. R. tēpore cōfectiō script. præd. eidē W. tales et tātas minac. de vita sua et mortificatione mēbr. suorum sibi inferend. nisi ipse script. præd. præf. R. facere et sigillare veller apud A. infra jurisdictionē hujus cur. imposuit quod idē W. script. illud ob merū minatū illarū præf. R. ad tunc et ibidē fecit, et hoc parat. est verificare unde per. judic. si præd. R. action. suam præd. virtut. script. præd. versus cum habere debeat, &c.

Et præd. R. dic. qd. ipse per aliqua per allegat. ab actione sua præd. habend. precludi non debet quia dic. quod præd. A. tempore confectionis script. præd. fuit sui juris ad largū et script. illud ex mera et spontanea volūtat. sua præf. W. fecit et non ob merum minar. prout præd. R. placitando allegavit, & hoc per. quod inquirat. per priam, et præd. R. scz. Ideo 22. &c.

*Bay. pre protestationem.*

Et prædict. A. B. per T. C. attorn. suū ven. & def. vim et injur. quando etc. et dic. quod prædictus R. S. action. suam præd. inde versus cum habet seu manuteneri non debet quia protestand. qd. null. talis

talīs collutio int. pref. A. et R. habit fuit quod idē et deliber. p<sup>r</sup>z f. R. p<sup>r</sup>zd. duas petias, &c. in partem satisfaction. p<sup>r</sup>zd 39. s. in narr. p<sup>r</sup>ed. spec. protestando etiam quod p<sup>r</sup>dict. A. non adjunxit secū p<sup>r</sup>ed. C. in narr. p<sup>r</sup>ed. etiam spec. ad p<sup>r</sup>zd. duas petias, &c. asportand. ad decipiend. et defraudand. p<sup>r</sup>ed. R. de p<sup>r</sup>zd. duabus petiis, prout in nar. p<sup>r</sup>ed. super suppon. protestando etiam quod p<sup>r</sup>zd. A. adhibens fidem assumptioni p<sup>r</sup>zd. R. non deliberavit p<sup>r</sup>z f. C. p<sup>r</sup>zd. duas pec' &c. per limitation. et assump. dicti A. prout in narr. p<sup>r</sup>zd. etiam suppon. protestando etiam quod quedā collocutio habita fuit inter p<sup>r</sup>zd. A. et R. quod p<sup>r</sup>zd. R. deliberaret in mutuo p<sup>r</sup>z f. 29. s. in pecuniis numerat. sub cert. condic. et super inde concord. non poruer. ideo p<sup>r</sup>zd. locut. vacua et nullius vigor fuit, et pro placit. idem A. dic. ipse non promisit nec super se assump. modo et forma prout p<sup>r</sup>zd. R. sup. versus eum querit. et hoc per quod inquir. per propriā, et p<sup>r</sup>zd. s. simil. ideo 12. &c.

*Bar. per concord.*

Et p<sup>r</sup>dict. A. per l. W. attorn. suum ven. et def. vim et injur. quando, &c. et dic. quod p<sup>r</sup>ed. C. action. suam p<sup>r</sup>zd. inde versus eū lere ley manur. non debet quia protestand. qd non cogn. aliqua in nar. p<sup>r</sup>zd. fore vera pro placito tamē dicit quod post assu. et promission. p<sup>r</sup>zd. fieri sc. 10. die M. an. &c. apud &c. int. eund. A. p<sup>r</sup>z f. C. tam de assump. et promiss. p<sup>r</sup>zd. quam de omnibus aliis transgr. et offens. int. ipsum A. et p<sup>r</sup>z f. C. ante und. 10. diē M. habet fact. mot. & perpetrat. sive penden. per meditation. amicorum suorum inter eos amicabile. int. venien. talis habebat concordia, viz. quod idē I. in plen. satisf. et relaxation. tam assump. unde p<sup>r</sup>zd. super se modo quer. quam omniū aliorū trans. et offens. per ips. I. ante tēpus illud p<sup>r</sup>z f. R. fact. dar. eid. R. 2. vacc. et qd idē I. extrunc. vers. p<sup>r</sup>z f. R. tū de  
T assump.

assump. et promission. præd. quā de omnibus aliis  
transig. et ostenc. esset quiet. imperpet. et idē I: dic.  
qd ipse ad tunc et ibm. dedit et deliberavit pref. R.  
1. vac. idemq; R. 1. vac. ill. de eod. J: ad tunc et ibm.  
recepit juxta form. et effect. concordie præd. et hoc  
parat est verificat. &c.

*Nul tiel concord.*

Præcludi non quia dic. quod non habeat aliqua ta-  
lis concordia int. ips. R. et pref. I. modo et forma  
quibus idem J. super in bar. placitand. allegavit, &  
hoc pet. qd inquir. per propriā, et præd. I. sim. id. 12.  
&c.

*Count sur baillement per anter manus.*

T: G: lum. fuit ad respond. P. de placito qd redd.  
ei 30 s. quas ei debet et injuste detin. &c. et unde  
idem N. per L. debitum dic. qd cum quid. E. R.  
ult. die J. an. reg. dom. regis nunc Angl. &c. et apud  
B. infra jurisd. hujus cur. liberasset pref. T: G: præd.  
30 s. ad solvend. et deliberand. eidē N. quādocunq;  
pref. T: G: ips. N. foret requisit. cum T. C. licet  
seip. requisit. præd. 30 s. idem N. nond. reddidit,  
sed ill. ei et hucusq; reddere contradixit et adhuc  
contrad. unde dic. quod deterior. est et damn. abet  
ad valent. x s. et inde produc. sect. &c.

*Rien luy doit per ley.*

Et præd. T: per C. B. attorn. fusi ven. et def. vim et  
injur. quādo &c. et dic. por. ipse non debet pref. N.  
præd. 30 s. nec aliq. denar. inde form. quæ idē N.  
super vers. eū narravit, et hoc parat. est defendere  
cont. ips. et suā per legē ipsius T. prout cur. hic cont.  
inde redd. &c. unde pet. judic. si præd. N. actioni  
suā præd. vers. eum manuteneare debeat, &c.

*Demurre superinde.*

Et præd. N. dic. præd. defensio præd. T. per legē  
suam faciend. prætenſa non est sufficiens ex it. nec  
admittabilis ad ips. T. cont. præd. mater. an narrat  
ipsius.

ipſius N conſtēt ab actione ſua præd. habēd præclu-  
cēd unde per iudic. et debīt. præd. una cum damnis,  
&c. pro defectu ſufficient. reſponſionis et exitus in  
lege ſibi ad iudicari, &c.

Et præd. T. ex quo præd. reſpanſio et dict. deſe-  
ſio ſua per legem ſuā faciend. in form. præd. præſent  
ſufficientes reſponſio et exitus admiſſabiles ſunt in  
lege ad præd. N. ab actione ſua præd. habēd. præclu-  
dend. et præd. N. legē ipſius T: in hac parte faciend.  
admittere omnin. recuſat perit. iudic. et quod præd.  
N. ab actione ſua præd. habēd. præclud. etc.

*Det. port per exec. verſ. exec. ſurſpec.*

A. T. exc. teſt. T. B. ſup. ſuit reddend. E. W.  
exc. teſt. S. A. de placito quod ipſe ſimul cū C. co-  
executor præd. T. teſte præd. T: redd. ei 38 s.  
quos ei inſiſte detin. etc. et unde idem E. per T. W.  
atturn. ſuum dicit quod cum præd. T. B. viceſimo die  
Auguſti anno, etc. apud P. intra juridiſt. huius  
Cur. per quoddam ſcriptum ſuū obligatoriū cōceſſit  
ſe tenere eidem S: in præd. 38 s. ſolvend. eidem S.  
in feſt. etc. præd. tamen T. in vita ſua nec præd.  
execut. teſt. poſt mort. ejuſd. T. licet ſepius requiſit.  
præd. 38 s. præſ. S. in vita ſua nec eidem execut.  
poſt mortem ejuſdem S non reddiderunt, ſed ill. ei  
reddere cōtradixerūt et ad huc contradicūt et ill.  
ei ad huc inſiſte detinen. unde dic. quod deteriorat.  
eſt et damni. habet ad valenc. x. s. et inde produc.  
ſect. etc. Et proſert hic in cur. tam ſcript. præd. quā  
alias teſtam. per quas ſatis liquet. ipſ. et fore exc.  
teſt. præd. S.

*Det. port per adminiſtr.*

W. W: ſum. ſuit ad reſpond. J. A. adminiſtra-  
trici omnium et ſingul' bonor. et catall. quæ fuer.  
L. A. quia obiit in ceſſ. ut dicitur de placito quod  
reddat ei 39 s. quos ei inſiſte detin. &c. Et unde  
eadem l. per I. VV. atturn. ſuum dic. quod cū præd. W.

## Of a Hundred Court, &amp;c.

tali die et anno, &c. apud S. infra juris. hujus cur.  
per quandam bill. suam oblig. quā eidē I. sigill'  
præd. W. signat. hic in cur' profert ejus dat. est  
eisdē die et ana. cognovif. se deber' præf. L. præd.  
39 s. in vita sua solvend. eidem L. apud talem fest.  
prox. &c. Et ad eandē solution. bene et fidel' faciēd.  
pred. W. oblig. se hæc. & execut. suos per eandem  
bill: præd. tamen VV: licet sepius requisit. præd.  
39 s. præf. L. in vita sua seu eodē I. post mortem  
ejusdem L. cui administ. omnium bonor. et caral'  
quæ fuēr. pred. L. tempor. mortis suæ per VV-L.  
Legū Doctor. cur. prerog. Cantuar. Magister. 20.  
die Ma. anno dom. 1616. apud L: pred. post mortē  
præd. L: commissus fuit non reddidit sed ill. ei red-  
der. contradixit et il. eadē I. redder. contradic. ac  
injuste detinet unde dic. quod detoriat. est. et damn.  
habet ad valenc. 20 s. & inde producit. &c. et pro-  
fert hic in cur. litter. administ. pred. VV. C. per  
quas &c.

*Non sum informatus.*

Et præd. VV. per N. E. atturn. suum ven. et  
def. vim et injur. quando, &c. Et dictam est idem  
atturn. ejusdem VV. quod pro eodem VV. magistro  
suo præf. I. in loquela præd. respondend. et eidem  
atturn. dic. quod ipse non est informatus per eundē  
VV. Magistrum suum de aliquo respon. pro eodem  
VV. præf. I. in loquela præd. dand. et nihil  
aliud inde dic. per quod idem I. rem. vers. præf. VV.  
inde in def. Ideo conc. est quod præd. I. recuperet  
versus præd. VV. debitū suum pred. et damn. sua oc-  
casion. deprec. debit illius ad 56 s. eidem I. ex affe-  
su suo per cur. hic adjudicat. et præd. VV. in mia  
&c.

*Plene administravit.*

Et præd. A. per T. B. atturn. suum ven. et def.  
vim et injur. quando, etc. Et dic. quod præd. quæ-  
actionem

actionem suam præd. versus eum habere non debet quia dic. quod ipsa plen. administravit omnia bona et catalla que fuer. præd. I. tempor. mort. suæ, et quod ipsa nul. habet bona seu catalla quæ fuer. ejusdem I. tempore mortis suæ in manibus suis administrand. nec habuit die intrationis placiti ipsius quær. nec unquam postea et hoc paratus est verificare unde petit. judic. si prædict. quær. action. suâ præd. versus eum habere debet, &c.

*Replication et rejoinder*

Et præd. quær. dicit quod ipse per aliqua peralleg. ab actione sua præd. habend. recludend. non debet quia dicit quod præd. defend. dicit intratione placiti. præd. quær. scz. tali die a n. &c. habuit diversa bona et catalla quod fuer. præd. I. tempore mort. suæ in manibus suis administ. ad valenc. debet. præd. unde eidem quær. de debet. illo satisfacisse posuit viz. apud A. infra jurisd. hujus cur. et hoc per. qd. inquirat. per propriâ, & præd. def. scz. Ideo 12. &c.

*A special non est factum.*

Et præd. def. per G. D. attur. suum ven. et def. vim et injur. quando &c. et dic. quod ipse debet præd. virtute billæ præd. onerari non debet quia dic. quod postquam idem def. sigillavit et deliberavit billam præd. præf. quær. billa illa de novo script. et interlineat fuit in istis verbis viz. Th. Curwen. per qd. billa sic de novo script. et interlin. vim suâ perdidit et effectum et sic billa præd. nõ est fact. suâ, et de hoc pon. se sup. propriam, et præd. quær. sc. &c. Id. 12. &c.

*Nihil dic. in debito.*

Et prædict. defend. per A. B. attur. suum ven. & defend. vim et injur. quando, &c. et nihil dic. in barr. actionis præd. quær. præd. per quod idem quær. reman. versus eundem defend. inde in defen. Ideo conc. est quod præd. quær. recuperet. versus præf. defend. debitum suum præd. &



prout per narr. præd. suppon. Et hoc parat. est verificat. unde pet. judic. et damna sua occasio captio- nis illis adjudicare, &c.

*Replie quer' le inclosure suis sufficient.*

Et præd. E. dic. quod averia illa tempore captio- nis præd. super fieri septem præd. sufficient. fact. et re- parat. et violent. freger. et in præd. locum voc. G. intraver. et herbâ in loco illo crescen. depasti fuer. et damn. in eo fecer. per quod idem E. averr. il' tunc ibm. cepit prout idem E. super allegavit, et hoc pa- ratus est verificare, unde petit judic. et retorn. averi- or. illorum sibi adjudicari, &c.

*Rejoinder.*

Et præd. T. dic. quod scpes præd. tempore cap- tion. præd. suppon. fieri rupt. et vast. fuit in forma qua idem T. superius allegavit, et hoc. pet. quod in- quiratur pet. propriam, et similit. Ideo 12. &c.

*Action de trover.*

ff. I. P. queritur de I. K. de placito trans. Et unde idem I. per I. W. attur. suum dic. quod cū p. ed. I. P. prim. die N. anno regni. dom. regis nunc Angl' &c. apud P. infra jurisd. hujus cur. posses. fuisset de duobus ovibus matric. Angl' ewes, precij x s. ut de bonis et catall' suis propr. & sic inde posses. existens postea sci. eisdem die et anno apud P. præd. bona et catall. præd. contra manus et posses. suis casualit. prædidit et amisit, quæ quidem bona & catall. postea scilicet esset die et an. apud P. præd. ad manus et poss. ipsius I. P. inventionem deven- nerunt, præd. tamen I. cert. sciens. bona & catall' præd. fore bona et catall. prædict. I. P. et ad in- sum I. P. de iure spectare et pertinere machin. & fraudulent' intenden' eundem I. P. in hac parte calide et subdole defraudar. et decipere bona & catall. prædict. præf. I. P. licet sepius requisit. &c. nondum tradidit nec deliberavit, sed bona & assump.



tamen I. C. promission. et assumpt. suas prædict. minime curans sed machinans et fraudulenter intendens eundem I. VV. in hac parte calide et nequiter deciper. et defraudare præd. 38 s. eidem I. juxta promiss. et assumpt. tuas præd. licet ad hoc postea scz. 10 die Oct. anno regni dom. regis nunc 13 suprad. apud S. præd. per eund. I. requisit. fuit non solvit sed illos ei omnia hucusq; solvere contradixit. et ad huc contradic. unde dic. quod deteriorat. est. et damn. habet valenc. x. s. et inde produc. scz. &c.

*Non assumpsit.*

Et præd. I. per I. VV. artum. suum ven. et def. vim et injur. quando &c. et dic. quod. nō assumpsit eidē quer. modo et form. prout præd. quer. superius versus cū quer. e. de hoc ponit se super propriā. et præd. quer. similit. Id. 12. &c.

*Actio sur le case super infusimul computaver.*

R. S. queritur de I. VV. de plac. transg. super casum pro eo viz. qd cū quidam H. W. et R. H. v. die Jan. &c. apud A. infra jurisdiction. hujus cur. infusimul computaver. cum eodem R. de diversis denar. sumis ante tēpus illud pro arrearag. reddit & al. rebus eidem R. per quod H. et R. debui. et solubil. & super cōp. illo ijdem H. et R. inventi fuist. n. in arrearagiis erga præd. R. in summa 36 s. legal. monet. Angl. solvend. eidem R. cū inde requisit. esset cūq; etiam præd. W. ad tūc ex ib. similit. eodem 1 die I. 8. supradict. apud A. præd. instantissime requisivit præd. R. quatenus idem R. acquietaret et exoneraret præd. H. et R. de præd. 36 s. præd. N. in consideration. inde super se assumpsit eidem R. ad tunc & ibm. fidelit. promisit quod ipse icē N. præd. 36 s. eidem R. cum inde requisit. esset bene & fidelit. solvere et contentare veller. & idem R. in facto dic. quod ipse fidē adhibens. promissioni & assum-

assumptioni ipsius N. præd. ad tunc et ibidē acqui-  
etavit et exoneravit præd. H: et R: de præd: 36 s.  
præd. tamen N: promiss. et assump. suas ad mini-  
me curans sed machinas et fraudulent intendens  
eundem R. in hac parte calide et nequitur decipere  
et defraudare præd. 36 s. eidem R: licet ad hoc  
apud A. præd. infra jurisdict. præd: postea scz. ultim.  
die J. anno regn. dicti dom. regis nunc<sup>8</sup>. suprad.  
per præd. R. requisit. fuit non solvit nec aliquali-  
ter pro eidem hucusque contentavit per quod idem  
R. dic. quod ipse totum lucr. commodū et proficiū  
quæ ipse cum præd. 36 s. emendo vendendo licete-  
q; barginazando habere et lucrare potuisset si præd.  
M. promiss. et assum. suas præd. sic in forma præd.  
fact. tenuisset et performasset totaliter predidit et  
amissit. unde idem R. dic. quod doctoriar est: et  
dampna habet ad valenc. 20 s. et inde produc. sect.  
&c.

*Action sur le case in debit assumpsit.*

T: E: queritur versus B: B: de placito transgr.  
super casum per eo viz. quod cum præd. B: primo die  
Iran. reg. dom. regis nunc Angl<sup>8</sup> &c. nono apud A:  
infra jurisdict. hujus cur. in consider. quod præd.  
T: ad specialem instanc. et requis. ipsius B: ad tunc  
et ibidem mutuo deditset et accommodasset eidem  
B: 30 s. bonæ et legalis monete Angliæ super  
se assumpsit et eidem T: ad tunc et ibidem fidelit.  
promissit quod ipse eidem B: 30 s. bone et lega-  
lis monete Angliæ eidem T. cum inde requisit.  
esset bene et fidelit. solvere et contentare veller,  
predict. tamen B. promiss. et assump. suas præ-  
dict. minime curiam, sed machinans predict. T:  
de predict. 30 s. calide et subdole decipere et  
defraudare predict. 30 s. præf. T. licet per  
eundem T: postea scilicet primo die Octobr.  
anno &c. supradict. apud A. predict. requisit.  
fuisit

fuiſſet juxta promiſ. et aſſumpt. ſuas præd. ſiſodū ſoluit nec aliqualiſter contentavit per quod præd. T. in nedec. ſua erga diverſa dicti dom. regis nunc ſubdit. et precep. erga F.M. cui idem T. in conſil. ſummum 30 s. indebitat. fuit. Ac cui idem T. eoſdem 30 s. ad rect. diem jam diu præterit. ſuper ſpe fidel. performanceis promiſ. et aſſumpt. præd. ſolvere et contentare promiſerat multipliciter leſus et deter. eſt et damn. habet ad valenc. 20 s. et inde produc. ſect. &c.

*Plaint ſur replevin.*

Will. E. ſum. fuit ad reſpondend. VV. B. de placito captionis et injuſte detention. averiorum ſuorum, et unde idem W. B. per D. atturn. ſuum de quo W. L. quinto die Decemb. anno regn. Dom. nunc Angl' &c. 11. apud Q. in quodam loco ibm. vocat. **Buſhte Cloſe**, ipſius W. B. infra juridi. hujus cur. cepit averior. viz. unam vaccam ipſius VV. B. et eam injuſte detinuit contr. vad. et pleg. quouſq; unde dic. quod deterioratus eſt, et damn. habet ad valenc. 39 s. Et inde produc. ſect. &c.

*Avowrie pur damage feſant in ſon franktenement.*

Et præd. W. in propria perſona ſua ven. et deſ. vim et injur. quando, &c. et bene advoc. caption. averiorum præd. in præd. loco in quo, &c. et injuſte &c. quia dic. quod. præd. loco in quo, ſup. capt. averior præd. fieri eſt et præd. tempor. captionis præd. ſupponit. fieri fuit ſolū et liber. tent. ipſius W. et qd vacca præd. fuit eodem tempore in eodē loco herbā ibm. tunc creſcen. depaſcen. et damnū facien. per quod idem VV. vaccam ill' ad tunc et ibm. ſic damn. facien. cepit et imparcuiſt prout ei bene liquit, et hoc paratus eſt verificare unde per. judic. et retorn. averiorum præd. ſibi adjudic. &c.

*Avowrie*

*A vovrie aliter unum in jure suo proprio & alit.  
ut serviente per ejus precept,*

Et pred. T.B. et C.B. per W.C. att. suum ven. et def. vim et injur. quād. etc. et dic. quod pred. R: B: est et pred. tēpore caption. averior. pred. fieri supponit fuit seisir. de quodam. close voc. *the Coniger* in pred. villa de E. infra jurisd. hujus cur' in dom' suo ut de feodo quod quidē Equa pred. tempore quo, etc. fuit in eadem clausa voc. *the Contiger* herbā suam ibm. depascent. et damnu in eodē clauso facien. per quod ipse idem R.B. in jure suo proprio, et pred. J. B. per ejus preceptus ceperūt equā ill. et eā imper. caver' prout eis bene licuit, absque hoc quod ipsi ceper. equam præd. in pred. loco voc. *the common Wead*, prout præd. W. T. versus eos queritur, et hoc parati sunt verificare unde per judic. et attorn. averior pred. sibi adjudicari.

*A vovrie pur amerceament in Leet.*

Et præd. L. P. per T. R. att. suum v. n. et def. vim et injur. quando, etc. et ut ballivus T. H. ar. bene cognovit caption. iuvence pred. in pred. loco in quo, etc. et iuste etc. Quia dic. quod idem loc. in quo supponit. caption. iuvence pred. fieri continet et pred. tempore quo supponit. captionem iuvence pred. fieri continebat in se 12. acras. terræ voc. *Reke fields* in W. pred. infra prechoet. cur. vis. franc. pleg. dicti T. H. infra maner. suum de M. tenen. in comit. South. pred. de quo quidē maner. cum pert. ante pred. tempus quo, etc. et eodē tempore quo, etc. præd. T. H. seisir. in dominico suo ut de feod. infra quod quidē maner. idem Tho. et omnes ill. quorum statum idem T. modo habet et pred. tempore quo, etc. habuit in maner. pred. cum pertina tēpore cujus contr. memor. hominū nō existit habuerunt, et habere, tenere, et custodit. cont. fuer. cur. vis. franc. pleg. bis per ann. viz. semel infra

infra mens. prox. post fest. Paschæ, et iterum infra mens. prox. post. fest. sanct. Mich. Arch. apud maner. illud cor. Scnes. maner. illi re tempore existens et omnes inhabitant. ut resinentes infra maneri: illud, ad cur. vis. franc. pleg. maner. præd. usi fuer. compar. & ibm. onerari et jurare de et super omnibus articulis qui ad cur. vis. franc. pleg. præd. pertinent ad inquirend. Quodq; præd. T. ac omnes illi quor. statum idem T. in manerio præd. cum pertin. modo habent et præd. tempore quo, &c. habuerūt, ac a toto tempore præd. usi fuerunt disfringere pro pœnis et amerciammentis in eadem cur. vic. franc. pleg. imponit. Et idem I. dicit quod ante præd. tempus quo, &c. scz. ad quandā cur. vic. franc. pleg. tent. apud manerunt præd. infra mēse prox. post. fest. sancti Mich. Arch. &c. quia dic. quod. præd. loco in quo, sup. capt. averior præd. fieri est et præd. iēmpor. captionis præd. supponit. fieri fuit solū et liber. tent. ipsius W. et qd vacca præd. fuit eodem tempore in eodē loco herbā ibm. tunc crescen. depascen. et damnū facien. per quod idem VV. vaccam ill' ad tunc et ibm. sic damn. facien. cepit et imparcuit prout ei bene licuit, et hoc placito captionis et injuste detention. averiorum suorum, et unde idem W. B. per D. atturn. suum de quo W. L. quinto die Decemb. anno regn. Dom. nunc Angl' &c. 11. apud Q. in quodam loco ibm. vocat. **Bushie Close** ipsius W. B. infra jurisd. hujus cur. cepit averior. viz. unam vaccam ipsius VV. B. et eam injuste detinuit contr. vad. et pleg. quousq; unde dic. quod deterioratus est, et damn. habet ad valenc. 39 s. Et inde produc. sect. fuisset juxta promiss. et assumpt. suas præd. si odū soluit nec aliquo qualiter contentavit per quod præd. T. in nedec. sua erga diversa dicti dom. regis nunc. abdit. et precep. erga F. M. cui idem T. in so. risfact.

satisfact. fuer. et quia præd. viginti solid. pro poena  
 pred. pred. tempore quo &c. pref. T. H. arrethro sub  
 erunt insolut. idem L. ut ball. pred. T. pro eisdem  
 20 s. pro poena pred. arrethro existen. insolut. bene  
 cognovit captione iuvene. præd. in præd. loco in  
 quo, &c. et iuste, &c. infra precinct. vic. franc. pleg.  
 præd. &c.

*Bar. quant auversenter pur default de inclosure  
 et que leuowant doit faire.*

Et præd. T. dic. quod præd. E. captioe averiori  
 pred. ratione præd. iust. advocare non debet quia  
 dic. quod tempor. captionis pred. fact. quidam VV.  
 C. fuit seisit de quodam clauso voc. R. in M. in co-  
 mitar. pred. in pred. loco vocat. G. cōtigue ad-  
 jacen. in dominico suo ut de feodo idemq; VV. sic  
 inde seisit. ante idē tēpus quo &c. apud A. clausum  
 illud demisit eidem S. habend. sibi ad voluntatem  
 dict. VV. quo prætextu idem T. tēpore captionis  
 pred. factæ de clauso illo fuit possessionat. Ac  
 pred. E. eodē tempore fuit seisit. de predicto clau-  
 so vocat. G. in dominico suo ut de feodo, idemq;  
 B. et oēs illi quorum statum ipse tunc habuit in  
 loco ill. fecer. et reparaver et usi fuer. facere &  
 reparare quoties necesse fuit quandam sepem sive  
 clausar. dict. locum voc. G. a pred. clauso voc. M.  
 penitus separatus et def. a tempore cuius contrarij,  
 memoria hominis non existit, et idem T. dic. quod  
 ipse de pred. clauso vocat. M. virtute admission.  
 pred. possessionat. ante pred. tempus quo, &c.  
 posuit aver. sua pred. in claus. illud ad depascend.  
 ibm. et præco qd sepes præd. E. tempor. caption. pred.  
 fact. et antea pro defectu reparationis inde in di-  
 vers. partibus ejusdem rupt. fuit et vallat. averia  
 pred. in claus. ill. in præd. loco vocat. G per rupt.  
 ill. tempore caption. pred. evaser. et intraver. et  
 pred. E. tunc ibm. existens averia ill. tunc ibm. cepit  
 prout

prout per narr. præd. suppon. Et hoc parat: est verificat. unde pet. iudic. et damna sua occasio captio-  
nis illis adjudicare, &c.

*Replie' quer' le inclosure suis sufficient.*

Et præd. E. dic. quod averia illa tempore captio-  
nis præd. super fieri septem præd. sufficien. fact. et re-  
parat: et violent. fregit. et in præd. locum voc. G.  
intraver. et herbã in loco illo crescen. depasti sunt.  
et damn. in eo fecer. per quod idem E. averr. ill. totu  
ibm. cepit prout idem E. super allegavit, et hoc præ-  
ratus est verificare, unde petit iudic. et retorn. averie  
or. illorum sibi adjudicari, &c.

*Rejoinder.*

Et præd. T. dic. quod sepes præd. tempore cap-  
tion. præd. suppon. fieri rupt. et vast. fuit in forma  
qua idem T. superius allegavit, et hoc. pet. quod in-  
quiratur per propriam, et simili, Ideo 12. &c.

*Action de trover.*

¶ Ill. I. P. queritur de J. K. de placito tenens. Et  
unde idem I. per I. W. attur. suum die quod cū. præd.  
I. P. prim. die N. anno regn. dom. regis nunc Angl.  
&c. apud P. infra iurisd. hujus cur. posses. fuisset de  
duobus ovibus matric. Angl. ewes, precij x s. ut  
de bonis et catall. suis propr. & sic inde posses.  
existens postea sci. eisdem die et anno apud P. præd.  
bona et catall. præd. contra manus et posses. suas  
casualit. prædidit et amisit, quæ quidem bona &  
catall. postea scilicet ejisdem die et an. apud P. præd.  
ad manus et poss. ipsius I. P. inventionem deven-  
nerunt, præd. tamen I. cert. sciens bona & catall.  
præd. fore bona et catall. prædict. I. P. et ad ip-  
sum I. P. de iure spectare et pertinere machin. &  
fraudent. intenden. eundem I. P. in hac parte  
calide et subdole defraudar. et decipere bona &  
catall. prædict. præf. I. R. licet sepius equisit. &c.  
nondum tradidit nec deliberavit, sed bona &  
catalla



catalla pred. postea scilicet primo die l. an. x. suprad. in usum et commodum suum proprium disposuit & convertit ad damnum ipsius I. R. xx s. et inde producit. &c.

*Count in trespass.*

S. S. attach. fuit ad respond. I. E. de placito quar. ipse simul cum W. L. clausum et domum ipsius J. apud B. infra jurisdictionem huius cur. fregit, et alia enormia, &c. unde idem I. per I. H. attorn. suum quer. quod pred. S. simul, &c. 30 die S. anno regni dom. regis nunc Angl. &c. decimo clausum et domum ipsius I. apud B. infra juris. huius cur. fregit et alia enormia, &c. ad grave damnum ipsius I. unde dic. qd deteriorat. est, et damnum habeat ad valenc. 20 s. et inde producit. &c.

*Pro closo et messon de bruse, & herbes*

*pris, tunc sis.*

Et unde idem H. in propria persona sua quer. de pred. I. simul cum R. R. et I. L. 1. die S. an. &c. claus. et dom. ipsius H. apud W. infra juris. huius cur. fregit et herbam suam ad valenc. 20 s. ja nuper crescent. cum quibusdam averiis, viz. equis, bobus, vaccis, & bidentibus, depastus sint conculcavit et consumpsit, & alia enormia et intuler. ad damnum ipsius H. 30 s. et inde producit. &c.

*Non cul plead.*

Et pred. def. per J. F. attorn. suum venit & def. vim et injuriam quando, &c. et quoad tot transgr. pred. præter fractionem claus. prædictæ. quod ipse in null. est inde culp. prout pred. quer. superius vers. eum queritur, et de hoc pon. se super propria, et pred. quer. similiter, et quoad fractionem clausi pred. idem def. dic. quod pred. quer. actionem suam pred. versus eum habere non debet quia dic. quod pred. quer. ante tempus quo supponitur transgr. prædictæ. fieri unam vaccam ipsius def. apud G. pred. invent. absque



absq; causa rationabili cepit et ill' in clausur. präd. fugavit et illa ibm. imparcavit, per quod inem aet. pro vacca ill. rehabend. claus. pred. pred. tempore quo etc. intravit tunc et ibm. cepit et abduxit, prout ei bene liquit, et hoc parat. est verificare, unde petit judiciu si präd quer. actio suam präd. unde versus eum habere deb. &c.

*Repliation de son tort demesne sans tiel cause, & issue sur ceo.*

Et pred. quer. dic. quod ipse per aliqua pralle- gar. ab actione sua pred. de fraction' claus. pred. ver- sus präf. def. haben' precludi non debet, quia dic. qd. pred. def. die et an. suprad. de injuria sua propria et absq; causa per ipsum def. preallegat. clausa ipsius quer. apud C. pred. fregit prout ipse superius versus eum queritur, & hoc petit quod inquiratur per patri- am et pred. def. simil. ideo. 12. &c.

*Barr' in trespass per offer de reason- nable amenas.*

Et pred. def. per J. VV. attornatum suum ven. & def. vim et injur. quando &c. et dicit quod präd. quer. actionem suam pred. versus eum habere nō de- bet, quia dic. quod ipse immeditat. post pred. tēpus trans. pred. fieri suppon. scilicet die x. Jan. 1 &c. apud N. pred. per man. ipsius def. proprias obtulit ad sola vend. präf. quer. iis pro damn. suis cum vaccis präd. in pred. loco in quo, &c. präf. quer. fac. qui quidem iis fuer. suffic. amend. pro damn. cum vaccis pred. in pred. loco in quo, &c. eod. tempore quo, &c. fac. quos quidem iis präd. quer. de eod. def. recipere ad tunc et ibm. penitus recusat. Et quer. actionem suam pred. inde versus eum habere seu manutenere debeat, &c.

Tender de suffic. amendes est bon. plea in Reple- gar. ante imprecationē averiorū, mes nemy post.

*Note*

Note that if any man pl. or def. be minded to remove any action out of this Court, he must do it by the Kings writ called an Accedas ad curiam, which issueth out of the Chancery: it must be made by a curster of that shire where the action lyeth, and directed to the Sheriffe of the same County, who must make his warrant to the bayliffe of that Court, and the Bayliffe must make his return of the warrant thus: First the bayliffe sendeth 3 bellmores to the Sheriffe a copy of the entrance of the Court when the cause was removed, thus.

*Alton westbrook:*

Cur. R. T. mil. ibidem rent. die Iovis, viz. x. die Maij anno regni dom. nostri Iac. dei gratia Angl. Scotiz, Franciz, et Hibern. regis fidei defens. &c. viz. Ang. Franc. et Hibern. xx. et Scotiz, 51. cor. I. W. G. S. R. H. et T. D. iust. ejusdem cur.

*The copy of the plaint.*

I. S. quer. versus W. W. de placito captionis & injuste detentionis averiorum suorum.

Virtute istius precepti mihi directi accepti meo I. W. &c. quatuor discret. milit. hundr. de A. præd. accessi ad cur. R. T. milit. et record. feci loquelam que est in eadem cur. inter I. S. quer. et W. W. defen. et record. illud parat. habeo sub sigil. meo et sigil. I. S. præd. 4. mil. ejusdem cur. ex illis qui record. ille interfuer. et partibus præd. eundem diem præd. i. prout mihi precept. fuit, in cuius rei testim. tam ego R. F. ballivus hund. præd. quam præd. I. W. &c. 4. legal. mil. hund. præd. presentibus sigil. nostr. apposuimus.

Thereupon the Sheriffe maketh his return as to the said writ appeareth.

FINIS.

E. J. A.

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